



Union of Canadian Transportation Employees

By-Laws and Regulations

Updated August 2018



THE BY-LAWS

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BY-LAW 1 NAME & HEADQUARTERS

Section 1 Name

This Component shall be known as the Union of Canadian Transportation Employees/Public Service Alliance of Canada (UCTE/PSAC), hereinafter referred to as the Union.

Section 2 Headquarters

This Union shall have its headquarters in the City of Ottawa, Ontario, Canada.

BY-LAW 2 AIMS AND OBJECTIVES

Section 1 Aims

To unite all employees over which this Component has jurisdiction, as determined by the Constitution of the PSAC, in a single Union capable of acting on their behalf to solicit the membership of such employees in all classifications and locations of employment.

Section 2 Objectives

To fully support the PSAC in the furtherance of its constitutional responsibility, to obtain for all its members the best standards of compensation and other conditions of employment, and to protect the rights and interests of all its members.

Section 3 Adherence to PSAC Aims and Objectives

To subscribe to the aims and objectives outlined in the Constitution of the PSAC.

BY-LAW 3 MEMBERSHIP

Section 1 Regular Membership

All employees referred to in By-Law 2, Section 1 shall be eligible for membership in UCTE.

Section 2 Associate Membership

Employees of UCTE who are non-members and non-paying members, except life members of this Union or the PSAC, who are on extended leave of absence, on lay-off or who have retired, may be granted Associate Membership in this Union in accordance with regulations established by the National Executive; further, associate members shall not be eligible to be elected to any Convention of this Union.

Section 3 Life Membership

A Life Membership may be awarded to any member or former member of UCTE who, through personal and devoted efforts in the affairs of UCTE, has performed exemplary services for the membership of the organization, provided however that there shall be no more than twenty-five (25) such Life Memberships at any time. The awarding of Life Memberships shall be controlled and decided by the National Executive, which on an annual basis shall instruct the National President to indicate to the Locals the names presently holding Life Memberships, and shall also advise Locals of the number of vacancies in the establishment of Life Memberships and to invite nominations from Locals for Life Membership Awards.

Members Honoured in Perpetuity

The UCTE National Executive Honours and Awards Committee will review and update the current list of Life Members on a bi-annual basis. Those Life Members who have become deceased between reviews will be transferred to the list of Members Honoured in Perpetuity.

Section 4 Membership Card

All members shall be issued a membership card as evidence of their membership in UCTE and PSAC.

Section 5 Evidence of Membership

With the exception of those memberships provided for under Sections 2 and 3, the receipt by UCTE of a PSAC application for membership form shall constitute evidence of membership for the issuance of membership cards.

Section 6 Adherence to By-Laws and PSAC Constitution

Upon being granted membership in UCTE and PSAC and for the terms of such membership, each member of this Union is deemed to have agreed to abide by and to be bound by the provisions of these By-Laws and the Constitution of the Public Service Alliance of Canada.

Section 7 Holding Office in another Union

A member must not hold office in another union, organization, or group that is in competition with UCTE/PSAC.

BY-LAW 4 FORM OF ORGANIZATION

Section 1 Composition

UCTE shall be composed of groups of members hereunder referred to as Local.

Section 2 Local

a) Composition of a Local

A Local shall be composed of all members within a geographical location, providing it consists of at least twenty (20) members and fully subscribes to the conditions of these By-Laws and the Constitution of the PSAC as applied to Locals.

b) Membership Unit

A Membership Unit shall be established for each Regional Vice-President (RVP) to service the members of locals that are not in good standing. The servicing of this unit shall be the responsibility of the assigned RVP and any funds being held in trusteeship shall be made available to the RVP to defray any expenses incurred for representation. Any monies spent from this fund shall be accounted for and the information shall be forwarded to the Local upon its re-activation. The National President shall have the authority to appoint a trustee who will have responsibility to manage the local affairs and to bring about its reactivation with minimal delay.

c) Issuance of Charter

Upon meeting the requirements of Sub-section 2(a), the members shall make application to the National Executive for its decision and may request the issuance of a charter.

d) Exceptions

Where groups of members cannot comply with these requirements, they may apply to the National Executive for a decision.

e) Less than 10 members

If the total membership of a Local falls below 10 members and it no longer subscribes to the conditions of these bylaws and the constitution of the PSAC as applied to Locals, the matter will be referred to the National Executive for review and decision as to the appropriate organizational structure for members in the locality.

Section 3 Formation of Local Executive

a) Local Officers

Each Local shall elect, in accordance with the provisions of these By-Laws, not less than three

(3) officers who shall be a President, a Vice-President and a Secretary-Treasurer to conduct its affairs. Such officers shall be elected for a term of not more than two (2) years and not less than one (1) year at a general membership meeting of the Local and their duties shall be consistent with By-Law 7 of these By-Laws.

b) Multiple Employer Groups

Each Local comprising of multiple employers with 20 or more members in each employer group shall have a Shop Steward to represent that group, where possible. This Shop Steward may be on the Local Executive.

c)

In order to properly represent UCTE members each elected union officer shall complete the PSAC Talking Union Basics (TUB) course or training recognized by the UCTE as equivalent, or at least registered in one as soon as possible.

d) Division of Responsibilities

- i. For the purpose of efficiency and ease of operation, a Local may divide the responsibilities of the office of Secretary-Treasurer among two or more of the following: Secretary, Recording Secretary, Correspondence Secretary and Treasurer, and the election procedures set forth in these By-Laws shall apply.
- ii. A position on each Local executive shall be identified as a Safety Officer to deal with matters concerning Health and Safety at the Local level.

Section 4 Authority to Represent

Each Local shall have the power to deal with Employer officials in the locality concerned on matters affecting the interests of its own members. A Local shall also have the power to initiate action on matters having broader effect than the interests of its own members, by submission in writing to the National Executive, or by resolution to the Triennial Convention of this Union, or by submission in writing to the Area Council of the PSAC, whichever is appropriate.

Section 5 Full-Time Officer

A Local may, with the approval of the National Executive, designate any one of its elected officers as a full-time officer of the Local and may employ a person or persons to assist in carrying out the work of the Local. However, any financial undertaking shall be the sole and exclusive responsibility of the Local.

Section 6 Office Space

A Local may, with the approval of the National Executive, acquire such space and facilities as may be necessary for the conduct of the affairs of the Local. However, any financial undertaking shall be the sole and exclusive responsibility of the Local.

Section 7 Local By-Laws

Each Local shall adopt By-Laws for the conduct of its affairs and such By-Laws shall not conflict with the provisions of these By-Laws and the PSAC Constitution. Copies of these By-Laws shall be forwarded to the National Office, as shall all amendments.

All new by-laws and/or amendments to the Local By-Laws must be submitted to the UCTE National Office within 30 days following the date of the meeting where the motion was adopted.

Section 8 Local Executive Meetings

The elected officers of each Local may hold monthly executive meetings, but shall hold bi-monthly meetings for the proper conduct of the Local's affairs.

Section 9 Meetings

A Local may make a provision in its By-Laws for the holding of regular monthly meetings and special meetings of its general membership.

Section 10 Annual Meeting

Each Local shall hold a regular annual membership meeting for the purpose of receiving annual reports from its officers, consideration of such business as may be required by its By-Laws and the holding of annual/biannual election of officers as required by these By-Laws.

Section 11 Union Management Committee (UMC) Meeting

Each Local shall appoint one executive officer (usually the President) to ensure UMC meetings are held according to the UMC Guidelines applicable to the site.

Section 12 Minutes of Meetings

Each Local shall provide the Regional Vice-President concerned with a copy of the minutes of Union/Management Consultation Committee meetings, Safety Committee meetings, Local meetings as well as a copy of the annual audited financial statement.

Section 13 Ceasing of Operations

Should a Local dissolve or be suspended, all documents, property and funds shall be returned to the care and safekeeping of the National President to be placed in trust by the National Executive until such time as the Local may be reinstated or reorganized or, in the absence of the latter, used for organizational purposes as the National Executive may direct. All servicing shall be done in accordance with By-Law 4, Section 2 b).

Section 14 Mandate

This Union shall be governed by the mandate of Convention, provided always that the mandate is within the exclusive jurisdiction of this Union and does not contravene the jurisdiction of the PSAC as provided in Section 7 of the PSAC Constitution.

BY-LAW 5 MEMBERSHIP DUES

Section 1 Payment of Dues

- a) With the exception of those memberships provided for in By-Law 3, Sections 2 and 3, all members shall be required to pay dues as provided for in this By-Law.

- b) To be considered a member in good standing for the purpose of By-Laws 3, 4, 6, 7, 8 and 9, the dues of those eligible for membership must be kept current.

Section 2 UCTE Dues

- a) The amount of monthly dues payable by each deductee and member of the UCTE shall be determined by the Triennial Convention.

- b) When a new bargaining unit is organized, a scale in dues formula may be approved by the National Executive.

- c) When a new bargaining unit is organized, no dues will be collected until a first Collective Agreement is signed.

Section 3 PSAC Dues

Members of this Union shall also be required to pay the dues established by the Constitution of the PSAC.

Section 4 Local Dues

Any Local may have an additional amount of dues, as authorized by a 2/3 majority vote of its members present at a general meeting, provided notice of motion is given 30 days prior to the meeting. Such additional dues shall be rebated by this Union to the Local concerned.

Section 5 Dues - Exceptions

Payment of dues by members on extended leave without pay as determined by the Alliance Executive Committee, or on lay-off, shall not be required for the duration of extended leave without pay or lay-off.

Section 6 Receipt of Dues

Collection of the total amount of monthly dues shall be by payroll deduction, except where facilities are not available for payroll deductions, dues may be paid in cash. Dues paid in cash will be remitted in a manner that has been agreed to by the payer and the comptroller of the PSAC.

BY-LAW 6 NATIONAL EXECUTIVE

Section 1 Composition

The National Executive shall be composed of:

- Full-time elected paid National President
- Full-time elected paid National Vice-President
- Five full-time elected paid Regional Vice-Presidents designated as follows:

Atlantic	Quebec	Ontario	Prairies/North	Pacific
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Section 2 Acting Assignment

In the absence of the National Vice-President from the National Office at the same time as the National President, for personal or business reasons, one of the Regional Vice-Presidents shall be required to act as National Vice-President, whenever the absence is for more than five (5) days.

Section 3 Terms and Conditions of Employment - National Officers

Within 90 days of assuming office, the National President and National Vice President be required to reside in the Headquarters area, and be required to relocate as necessary.

Within 90 days of assuming office, elected RVPs may be required to relocate to where there are significant numbers of members as directed by a decision of the National Executive:

Pacific -	Vancouver Area
Prairies/North -	Edmonton or Winnipeg Area
Ontario -	Ottawa or Toronto Area
Quebec -	Montreal or Quebec City Area
Atlantic -	Halifax Area

And the National Executive will review all proposed moves for cost effectiveness and efficiencies prior to relocation.

Terms and conditions of employment for full-time elected officers shall be governed by the UCTE By-Laws and Regulations adopted by accredited delegates to the Triennial Convention.

Section 4 Members in Good Standing

All members of the National Executive shall be members in good standing of this Union.

Section 5 Quorum

A quorum of the National Executive shall be the National President, or their designate, and four (4) of the remaining members of the National Executive.

Section 6 Meetings

The National Executive shall hold meetings at least twice (2) annually, at the call of the National President or at any time if requested by five (5) or more members of the National Executive.

Section 7 Authority Between Conventions

Between conventions, all Executive powers of the UCTE, consistent with these By-Laws, shall be vested in the National Executive.

Section 8 Regulations

The National Executive shall have the power to make such regulations as are necessary for the proper conduct of the UCTE provided such regulations do not conflict with the provisions of these By-Laws. Such regulations shall be promulgated within sixty (60) days of their adoption.

Section 9 National Office Employees

The National Executive shall have authority to hire or dismiss National Office employees of the UCTE (paid employees in the National Office). All rights, privileges, work standards and remuneration for said employees shall insofar as possible be in accord with accepted practices in the Public Service of Canada.

Section 10 Convention Review

All actions by the National Executive on behalf of the UCTE may be subject to review at Triennial Convention.

Section 11 Convention

The National Executive shall be considered as being in business throughout the period of the Triennial Convention, and its elected members shall have all rights and privileges due Triennial Convention delegates.

Section 12 Standing Finance Committee - Composition

The Standing Finance Committee shall consist of the National Vice-President and a Regional Vice-President who shall be elected by the other Regional Vice-Presidents at the first meeting of the National Executive following Convention. In the case of a vacancy between Conventions, an election shall be called by teleconference as soon as possible by the National President with a view to electing a new regional vice-president to sit on this committee.

Section 13 Human Rights Officer

The UCTE Human Rights Officer is a national representative duly elected at Convention. This position shall be responsible for all human rights issues of a national scope, as needed. An alternate shall also be elected during the election process for the UCTE Human Rights Officer.

BY-LAW 7 DUTIES OF OFFICERS

Section 1 Duties of the National President

The National President shall:

- a) represent this Union on the National Board of Directors of the Public Service Alliance of Canada as required by Sub-section 1 of Section 9 of the Constitution of the Public Service Alliance of Canada;
- b) preside at all meetings of the National Executive;
- c) preside at all sessions of the Triennial Convention;
- d) have the authority to interpret these By-Laws and their interpretation shall be conclusive and in full force and effect unless reversed by the National Executive or a Triennial Convention. Any interpretation given at a meeting of the National Executive or at a Triennial Convention of UCTE, whether conclusive and in full force and effect or reversed, shall be reported in an Appendix to the appropriate minutes of the proceedings;
- e) ensure that the National Executive carries out the directives and policies established by the Triennial Convention of the Public Service Alliance of Canada and this Union, in accordance with the authorities of each as provided by the PSAC Constitution and this union's By-Laws;
- f) call a meeting of the National Executive at least twice annually or upon request from five (5) members of the National Executive;
- g) submit to the National Executive at regularly scheduled meetings, for inclusion in the National Executive minutes to be forwarded to Locals, a detailed report on locations visited, dates of visits, reasons for travel and expenses incurred;

- h) report in writing to the Triennial Convention on the activities of the National Executive and such other committees over which they may have presided;
- i) submit in writing to the Triennial Convention such recommendations as the National Executive deems necessary for the continuing promotion of the aims and objectives of this Union and the Public Service Alliance of Canada;
- j) visit Locals upon request or at the discretion of the National President at least once during their term of office accompanied by the Regional Vice-President of the region;
- k) notwithstanding j) above, at the discretion of the National President, have the authority to attend any Local meeting within their respective regions and to examine the records, accounts and by-laws of any Local or group of this Union;
- l) perform such other duties as are within the authority of presiding officers of deliberative bodies;
- m) appoint members to committees, with the exception of the Standing Finance Committee, composed of the National Executive;
- n) be an "ex-officio" member of all committees of this Union;
- o) be responsible to the National Executive for correspondence and official documents of this Union;
- p) keep an accurate account of proceedings of meetings of the National Executive and following the close of each Convention, prepare and circulate to all Locals a report of the business transacted;
- q) submit to each Convention a written report on the membership state of this Union;
- r) submit to each Convention a written report of their official activities on any committee or body where they have acted as the representative of this Union;
- s) be responsible for the transmission of information and reports to the National Executive and the Locals of this Union without delay;
- t) carry out such other delegated duties as may be decided by the National Executive of this Union within the terms of these By-Laws;
- u) shall ensure that minutes of each UCTE National Executive meeting are sent to all Locals immediately following the National Executive meeting where the minutes were passed.

Section 2 Duties of the National Vice-President

The National Vice-President shall:

- a) perform the duties of the National President in case of absence or on the resignation of that officer;

- b) attend all meetings of the National Executive;
- c) submit to the National Executive at regularly scheduled meetings, for inclusion in the National Executive minutes to be forwarded to Locals, a detailed report on locations visited, dates of visits, reasons for travel and expenses incurred;
- d) attend all sessions of Triennial Conventions;
- e) perform such other duties as may be assigned by the National President;
- f) be responsible for the administration of all finances;
- g) be responsible for the collection of all monies payable to this Union, for the deposits of such funds in a chartered financial institution to the credit of this Union and for the keeping of proper records of all transactions;
- h) be responsible for the disbursement of funds payable by this Union in settlement of its just debts;
- i) be responsible for the management, control and allocation of staff at the headquarters office of this Union, with the exception of the Executive Assistant to the National President; and
- j) perform Labour Relations Officer's duties, as assigned.

Section 3 Duties of Regional Vice-Presidents

The Regional Vice-Presidents (RVP) shall:

- a) attend all meetings of the National Executive;
- b) attend committee meetings of the National Executive when appointed to do so;
- c) file a report of their activities and recommendations during their tenure to the National Executive six months prior to Triennial Convention;
- d) assist Locals by providing pertinent information and guidance to the Locals and their Officers. They shall monitor the activities of the Local in areas such as union-management consultation, safety committees, financial situation, membership participation, etc.;
- e) when possible, visit once during each year. This should be co-coordinated, where possible, to coincide with annual general meetings and does not preclude trips of an urgent nature which must be authorized by the National President. It is imperative that RVPs have written approval prior to any trip.
- f) ensure a proper working relationship with PSAC officials and various levels of employers by making periodic visits. These visits should be incorporated to allow visitation to appropriate officials and at the same time deal with grievances, etc.;

- g) through reporting bring to the attention of the National Executive those pertinent points they feel should be stressed. This reporting should take place in the form of a written report following visits as outlined in sub-section f);
- h) provide grievance representation at the regional level. Under extenuating circumstances, grievance representation at the regional level may be delegated to Locals. The responsibility for the grievance remains with the RVP.
- i) provide the National Office with activity reports on a regular basis. RVPs are urged and strongly encouraged to submit activity reports at the same time as expense claims. One complements and supports the other. By submitting activity reports along with expense claims, RVPs may avoid having a claim refused, in part or in whole, by the National Office.
- j) may act as a chairperson or co-chairperson of Regional Union-Management Consultation meetings and may be the Union representative on the Regional Health and Safety Committee where appropriate;
- k) in general, be responsible to the National President for the affairs of their region and perform such regional duties as may be required by the National President;
- l) have the authority to attend any Local meeting within their respective regions and to examine the records, accounts and by-laws of any Local or Group of this Union;
- m) following their election as such, be required to resign any Local or Group office within one month of such election;
- n) with the agreement of the National President, convene meetings when necessary;
- o) may attend Federation of Labour conventions in their area of jurisdiction; and
- p) contact their alternates quarterly to keep them informed of changes, issues and problems.

Section 4 Duties of the UCTE Human Rights Officer

The UCTE Human Rights Officer:

- a) reports to the UCTE National Executive by providing semi-annual reports on current issues and activities;
- b) maintains contact with Regional Vice-Presidents to ensure that Locals are aware of activities and issues in their regions;
- c) provides a report to the UCTE Triennial Convention;
- d) liaises between the UCTE and PSAC:
 - i. as a member of the PSAC Human Rights Committee, brings issues from this Committee to the attention of the National Executive of the UCTE; and
 - ii. solicits support from the National Executive for resolutions/actions coming out of the PSAC Human Rights Committee.

- e) liaises between UCTE and Locals, by:
 - i. maintaining a current list of Human Rights Local representatives;
 - ii. corresponding with all Local Human Rights representatives by bringing Human Rights issues to their attention, soliciting their concerns, requesting issues that they would like addressed at a national level;
 - iii. soliciting their support for national and/or regional actions, lobbying campaigns, etc.;
and
 - iv. forwarding copies of quarterly report to Local Human Rights representatives after approval from UCTE National Executive.

- f) Other:
 - i. represents UCTE at Human Rights forums, such as conferences, meetings, etc.;
 - ii. continues to develop a column on equal opportunities for the UCTE website; and
 - iii. remains current on human rights issues.

Section 5 Prompt Services

All officers and employees of this Union shall deal promptly and appropriately with matters submitted to them by the membership or by National Officers.

Section 6 Return of Union Materials

On vacating the respective positions which they may hold, all officers of this Union shall deliver to their successors, within 30 days, all documents, monies and/or other properties of this Union.

Section 7 Local Presidents' Responsibilities

Local Presidents shall preside at meetings of their respective Locals and shall be responsible for the efficient and proper conduct of such Locals.

Section 8 Local Vice-Presidents' Responsibilities

Local Vice-Presidents, in the absence of their respective Presidents, shall carry out the duties of the office of President.

Section 9 Local Secretary-Treasurers' Responsibilities

Local Secretary-Treasurers shall keep accurate records of all meetings of their respective Locals and shall be responsible for keeping proper files of documents, financial records, and all correspondence relating to their Locals and this Union.

BY-LAW 8 NOMINATION AND ELECTION OF OFFICERS

Section 1 Simple Majority

All elections shall be by secret ballot and decided by simple majority and proxy votes shall not be permitted. Members have the right to speak and vote at their Local meetings when technology allows them simultaneous and secured interaction.

Section 2 Nominations

As the election of each office is called, the nominee, nominator or seconder of each nominee, whether filed previously with the Nominations Committee or nominated from the floor, may speak to the assembly for not more than three minutes on behalf of that nominee.

Section 3 More Than Two Candidates

In the event of more than two candidates for office, the candidate receiving the fewest number of votes shall be dropped from the ballot whenever a clear majority of the vote cast is not accorded to any candidate. This procedure shall continue on each succeeding ballot for the position until a candidate receives the necessary majority.

Section 4 Assuming Office

All officers of this Union and its Locals shall take office at the end of the meeting or Convention at which they were elected.

Section 5 Oath of Office

The Oath of Office shall be administered to all officers (see UCTE By-Laws Appendix A).

Section 6 National Executive Election Process

a) All nominations for National Executive positions must be proposed by voting delegates to the Triennial Convention who must be in attendance at the time of election.

b) All nominees for elected office shall be members in good standing of the UCTE.

c) The election of the National President, National Vice-President, Alternate National Vice-President and the Human Rights Officer and Alternate, and Regional Vice-Presidents and Alternates shall proceed in that order.

d) The National President, the National Vice-President and the Alternate National Vice-President shall be nominated and elected at each Triennial Convention of the UCTE by the voting delegates attending such Convention.

e) Regional Vice-Presidents shall be nominated from amongst their respective regional delegates and, immediately following nominations, each Regional Vice-President shall be

elected by the voting delegates from their region attending the Convention. The results of all Regional Vice-President elections shall be confirmed by the Triennial Convention.

f) Regional delegates shall also elect two (2) alternate Regional Vice-Presidents in the same manner as that prescribed in subsection (e) above. In cases where the Regional Vice-President position becomes vacant, the first elected alternate Regional Vice-President automatically assumes the position. If the first elected alternate declines or is unable to assume the position, then the second elected alternate automatically assumes the position. All correspondence and literature shall be forwarded to the Alternate RVP.

Section 7 Vacancies on the National Executive

a) In the case where the National President resigns or otherwise leaves office, the National Vice-President shall automatically become National President.

b) In the case where the National Vice-President vacates the position, the Alternate National Vice-President elected at the UCTE Triennial Convention shall assume that position.

c) Subject to Section 6 (f), in the event of a vacancy in any position of an RVP, nominations shall be called by the National Executive from amongst the delegates to the last Triennial Convention still in good standing in the UCTE. Within a period of not more than 30 days from the date of notice of the vacancy, the National Executive shall ensure that the nominees are in good standing, were delegates from the respective region to the last Triennial Convention, and are prepared to stand for office.

d) In the event there are no nominees from the Triennial Convention delegates, then the National Executive shall call for nominations from Locals of the region. Only delegates in good standing that had attended the last Triennial Convention shall have the right to vote for the Local nominee. In the event that a Local no longer has an accredited delegate from the last Triennial Convention as a member, then the President shall have the right to vote.

e) Balloting shall be conducted by mail using the same procedure as established by the Public Service Alliance of Canada for ratification of collective agreements.

f) The National Executive shall appoint a committee to tabulate the ballots.

g) In the event of a vacancy on the National Executive between the last full National Executive meeting and the next UCTE Convention, it will not be filled outside of the natural process already established in Section 6 (f).

Section 8 Restrictions

Members of the National Executive shall not be eligible for elections to Local office nor shall they hold any other elected national office in the Public Service Alliance of Canada, except alternate Regional Executive Vice-President.

Section 9 Local Officer Election Process

- a) Election of Local Officers shall take place annually or biannually as prescribed by the Local By-Laws. Where officers are elected for a term of one year, election meetings must be held within twelve (12) months of each other or within twenty-four (24) months of each other if the term of office is two (2) years. The Local Executive shall designate the date of the election meetings so that as many members as possible have the opportunity to attend.
- b) All eligible candidates must be present at the election meeting or the nomination accepted by a majority of the members present.
- c) A nomination committee may be appointed in the Local concerned and the chairperson of such committee shall conduct the elections and appoint such assistants as necessary to ensure an orderly election. Where a nomination committee is considered impractical by the local concerned, nominations shall be from the floor and the elections conducted in accordance with these By-Laws.
- d) Shop Stewards may be elected in the same manner as other Local Officer positions and unless satisfactory reasons are given for absences, a group may recall a shop steward who has missed three (3) consecutive meetings of the Local. The group may elect a successor for the unexpired portion of the term.
- e) A position on each Local Executive will be identified as a Safety Officer to deal with matters concerning health and safety at the Local level.

BY-LAW 9 TRIENNIAL CONVENTION

Section 1 Convention Time Frame

This Union shall hold a National Convention every third year.

Section 2 Governing Body

The Triennial Convention, consistent with its area of jurisdiction as provided by the Constitution of the Public Service Alliance of Canada, shall be the supreme governing body of this Union.

Section 3 Convention Call

The National Executive shall issue a Call to Convention to all Locals not less than six (6) months prior to the date of the Triennial Convention. Such a Convention Call will include final date for receipt of resolutions from Locals.

Section 4 Convention Duration

The Triennial Convention shall commence on the date specified in the Convention call and shall be for the duration there specified, subject to any modification by the Triennial Convention.

Section 5 Convention Date

The Triennial Convention shall be held at a date consistent with the provisions of the Constitution of the Public Service Alliance of Canada.

Section 6 Convention Business

- a) Adopt rules of procedure governing the processing of all matters before the Triennial Convention;
- b) Deal with all resolutions and matters submitted to it by the Locals and by the National Executive;
- c) Deal with all specific matters assigned to it by these By-Laws;
- d) Establish the general policies of the UCTE;
- e) Ratify all appointments to committees of the Triennial Convention made by the National Executive;
- f) Establish the budgeting provisions for the ensuing period including the dues to be retained by this Union;
- g) Review all reports submitted to the Triennial Convention by officers and subordinate bodies;
- h) Act upon any other items of business placed before the Triennial Convention by the duly elected delegates in the manner prescribed by the procedural rules adopted by the Convention for orderly processing of its business.

Section 7 Convention Chairperson

Triennial Conventions shall be chaired by the National President or in their absence or on their delegation by a pro tem chairperson selected by the Convention.

Section 8 Amendments to By-Laws

The By-Laws of this Union may be amended only by a two-third majority vote of the delegates of this Union assembled and voting at Triennial Convention.

Section 9 Delegates

a) The Triennial Convention of this Union shall consist of accredited delegates from Locals and the elected National Executive Officers of this Union;

b) Human Rights Officer;

c) Locals which do not comply with the provisions of these By-Laws, specifically By-Law 4, Section 3a) and By-Law 10, Section 2 c), will not be entitled to have representation at Triennial Conventions of this Component.

Section 10 Voting

Each accredited delegate present at Triennial Convention shall be entitled to one vote on each subject, and proxy votes shall not be permitted.

Section 11 Convention Committees

At least three months prior to the opening date of the Triennial Convention, the National Executive shall appoint from amongst accredited delegates such committees as may be necessary for the conduct of the business of the Convention.

Section 12 Observers

All Locals shall have the right to send observers to the Triennial Convention at Local expense. Observers shall not have the right to vote nor to participate in debate at the Triennial Convention.

Section 13 Special Convention

A Special National Convention shall be called on the written request of two thirds (2/3) of the members of the National Executive or on written request of 51% of the existing Locals of this Union and at a time and place to be decided by the National Executive.

Section 14 Special Convention Agenda

A Special National Convention shall deal only with the matters for which it is called, unless by two thirds (2/3) vote of its delegates, it agrees to consider other matters of an urgent or necessary nature within the time limits set for the Special Convention.

Section 15 Delegate Entitlement

Membership counts for purposes of determining Triennial Convention delegate entitlement shall be taken after members have returned from seasonal lay-off. This count shall be taken based on the peak count month for the year preceding the Triennial Convention. Each Local shall elect, from amongst its members at a general meeting of the Local, accredited delegate(s) to the Convention of this Union on the basis of the following table:

*up to 150 members	1 delegate
*for each 100 members thereafter, or major fraction thereof	1 additional delegate

Section 16 Alternate Delegates

Each Local shall elect alternate delegates who shall attend Triennial Convention in place of any accredited delegate who unavoidably cannot attend Convention.

Section 17 Notification of Delegates

Immediately following elections of Local delegates and their alternates to Triennial Convention, the Local Secretary shall submit to the National President the names of the Local's accredited delegates and their alternates on a credential form supplied by the National Office of this Union.

Section 18 Eligibility

No delegate and/or alternate shall be nominated who has not attended at least 50% of the Local meetings during the period from the preceding Triennial Convention, unless satisfactory reason is given for non-attendance. All Locals must, in order to qualify their delegates, keep a record of attendance between Conventions on a form provided by the National Office.

Section 19 PSAC Convention Delegates

Delegates to the Triennial Convention of the PSAC shall be elected in accordance with the requirements of the Constitution of the PSAC.

Section 20 Supplementary Resolutions

Supplementary resolutions to a Convention shall be submitted to the National President forty-eight (48) hours prior to the opening date of Convention and such supplementary resolutions shall be the last order of business.

Section 21 Unfinished Business

All matters and resolutions not dealt with by the Convention shall be referred to the National Executive who will consider and act upon such unfinished business at the first regular meeting of the National Executive following the Convention. The disposition of all Convention matters and resolutions by the National Executive shall be published under separate cover from the minutes, shall include reasons for all decisions, shall include recorded votes on all decisions and shall be distributed to all Convention delegates.

Section 22 Emergency Resolutions

Emergency resolutions which are of a matter of national importance may be presented to the floor of the Triennial Convention but shall not be dealt with by the Convention until accepted by a majority of the Convention.

BY-LAW 10 FINANCES

Section 1 National Office Finances

a) Audited Records

The financial records of this Union shall be audited once annually by a firm of chartered or certified accountants approved by the National Executive. A copy of the financial statement shall be forwarded to each Local immediately upon completion of the annual audit and to the Public Service Alliance of Canada.

b) Audited Financial Records

All financial records of this Union shall be maintained in an approved manner as advised by the auditors.

c) Signing Officers

The signing officers of this Union shall be any two (2) of the following: the National President, the National Vice-President and one (1) Regional Vice-President appointed for this purpose by the National Executive.

d) Alternate Signing Officers

In case of emergency, the National Executive shall have the authority to designate one (1) or more of its members as signing officers of this Union.

e) Bonding

The National Signing Officers of this Union shall be bonded in the amount of not less than \$100,000.00.

f) Fiscal Year

The fiscal year of this Union shall be from January 1 to December 31.

g) Legal Requirements

All financial records of this Union and its Locals shall be retained for the legal period prescribed by the *Income Tax Act* as interpreted by the Minister of National Revenue.

h) Payment of Cheques

Cheques and money orders shall be made payable to the "Union of Canadian Transportation Employees - PSAC".

Section 2 Local Finances

a) Local Signing Officers

Locals shall approve the three (3) signing officers, two (2) of whom shall sign all cheques. No signing officer shall sign cheques payable to themselves and no disbursement shall be made without authorization of the Local's By-Laws.

b) Local Financial Statements

The Secretary-Treasurer of a Local shall submit a written financial statement to all regular meetings of the Local.

c) Local Audited Statements

The Local Secretary-Treasurer or the Local Treasurer shall submit to the National Executive annual audited statements of Local finances and membership before April 1st of each year. In accordance with the foregoing, the Financial Administrator shall make no remittance of the refundable portion of dues until such statement has been received.

d) Local Fiscal

The fiscal year of all Locals shall end on December 31st.

e) Local Financial Records

All financial records of Locals shall be maintained in a manner as advised by the National Executive.

f) Contractual Undertaking

No group or Local shall enter into any financial contractual understanding or agreement without prior approval by the National Executive.

g) Financial Assistance

New Locals which are formed from an existing local shall receive financial assistance from the substantive Local on a prorated basis, subject to review by the National Executive.

BY-LAW 11 DISCIPLINE

Section 1 Right to Suspend or Expel

Any member or officer of this Component may be suspended or expelled from membership and/or office for contravening any provision of the PSAC Constitution, or the By-Laws of this Component or of any of its Locals, in accordance with the applicable provision and procedure as contained in the Constitution of the PSAC.

Section 2 PSAC Appeal Process

Any member or officer expelled or suspended from membership in accordance with the provisions of the PSAC Constitution may appeal such action to the PSAC National Board of Directors and ultimately to the next National Convention of the Alliance as provided by the provisions of the PSAC Constitution.

Section 3 Complaint filed against an Elected Officer/Members

When a complaint is filed against elected Union officials/Union members by component staff, the National President shall receive the complaint and make the elected officer/union member aware of the complaint immediately. The Union official/member shall receive a copy of the actual complaint filed.

The National President will use a vetting process (test of receivability) based on the allegations to either accept the complaint or not. If the complaint is accepted, the elected officer/Union member will be provided with all allegations, pertinent information and documentation related to the complaint within thirty (30) days of receipt of the complaint.

The accused elected officer/union member shall receive representation at no cost to themselves and have the same rights as PSAC or other Component staff in the selection of the investigator. Elected officers/Union members shall receive equal rights for decisions concerning the process.

If the National President does not accept the complaint, a letter will be sent to the staff member with a rationale explaining why it is not receivable.

If the complaint is deemed frivolous and/or vexatious, appropriate discipline will be meted.

Section 4 List of Offenses

A Component, Local Officer or member is guilty of an offence who:

- a) violates any provision of the Local By-Laws, the By-Laws of this Union or the Constitution of the Public Service Alliance of Canada;
- b) obtains membership or solicits members by misrepresentation;
- c) institutes, urges or advocates that a member institute action in a court against this Union or the Public Service Alliance of Canada or any of its officers or against a Local or any of its officers without first exhausting all remedies through appeal within the organization;
- d) advocates or attempts to bring about the withdrawal from this Union or any Local of any member or group of members;
- e) publishes or circulates, among the members, false reports or misrepresentations;
- f) works in the interests of a rival organization;
- g) slanders or willfully wrongs an officer or member of this Union or the Public Service Alliance of Canada;
- h) uses abusive language or disturbs the peace of any meeting in or around any office or meeting place of the PSAC, this Union, or its Locals;
- i) fraudulently receives monies due to this Union or any of its Locals, or misappropriates the monies of this Union or any of its Locals;
- j) uses the name of the Local or of this Union for soliciting funds, advertising, and the like, without the consent of the Local concerned or the National Executive of this Union;
- k) furnishes a complete or partial list, or any information on the membership of this Union or of any Local, to any person or persons other than those whose official position entitles them to have such a list;
- l) deliberately interferes with an official of this Union or the Public Service Alliance of Canada in the discharge of their duties;
- m) engages in any other conduct prejudicial to the good order and welfare of this Union or the Public Service Alliance of Canada;
- n) is not a designated employee and crosses the picket line of their own bargaining group.

Section 5 Frauds

All acts of fraud shall be reported to the National Executive. The National Executive or their designate shall handle all investigations of fraud and any resulting litigation as per UCTE Fraud Investigation Guidelines (see UCTE Regulations, Appendix B).

Section 6 Trusteeship

A Local which has not carried out the responsibilities required by these By-Laws shall be considered inactive and the National Executive shall have the authority to appoint a trustee with responsibility to manage the Local's affairs and to bring about its re-activation with minimum delay.

BY-LAW 12 AREA COUNCILS

Section 1 Component Participation

In accordance with Section 14 of the Constitution of the Public Service Alliance of Canada, this Union shall encourage and participate in the organization and operation of Area Councils in centres where three (3) or more Components/Unions of the Public Service Alliance of Canada exist.

Section 2 Local Participation

In areas where the condition set forth in Section 1 of this By-Law exists, this Union shall make application to the Public Service Alliance of Canada as required by Sub-Section (2) of Section 14 of the Constitution of the Public Service Alliance of Canada, and upon approval of the application as specified, Union Locals in such areas shall participate in the formation and operation of Area Councils within the terms and conditions of Sub-Sections (1) to (13) inclusive of Section 14 of the Constitution of the Public Service Alliance of Canada.

BY-LAW 13 REFERENDUM VOTE

a) The National Executive, after a 2/3 majority vote, may hold a referendum vote on any matter it considers to be of such importance as to warrant a decision by the membership at large. A referendum vote may also be held as elsewhere provided for by these By-Laws.

b) Within fourteen (14) days of a decision of the National Executive to call a referendum vote, the National President shall prepare ballots fully outlining the reasons for such a referendum vote, showing the date by which the ballots must be returned in order to be considered valid.

c) Each ballot is to be placed in a specifically identified ballot envelope and inserted in a second envelope bearing prepaid return postage, the member's personal identification information and the appropriate return address.

d) The ballot in individual envelopes shall be sent to the Local Secretary for distribution to the General Membership, and the number of ballots to be sent to each Local shall be in accordance with the latest membership listing available.

e) The National Executive shall establish the period during which the referendum vote will be taken. At no time shall this period be less than twenty-one (21) days and no more than

sixty (60) days from the date the ballots were mailed to the Local. The balloting period will, however, be extended for a further period equal to any postal disruption plus five (5) days.

f) Each individual member shall return their ballot directly to the address shown on the self-addressed envelope.

g) The counting of the ballots in each referendum vote shall be done by independent persons appointed by the National Executive and verified against the latest membership listing available.

h) Unless otherwise provided for under these By-Laws, a simple majority of valid returned ballots will be required to carry a referendum vote.

BY-LAW 14 GENERAL

Section 1 Files

Subject matter files shall be maintained for periods established by the National Executive.

Section 2 Jurisdiction

In the event of a jurisdictional dispute between Locals of this Union concerning employees eligible for membership, such disputes shall be referred to the National Executive and their decision shall be binding on all Locals concerned. In such matters, the Locals concerned shall have the right to make an appeal to the Triennial Convention of this Union.

Section 3 Simple Majority

Unless expressly provided otherwise by these By-Laws, all decisions requiring a vote shall be decided by a simple majority.

Section 4 Rules of Order

Unless expressly provided otherwise by these By-Laws, Bourinot's Rules of Order shall apply at all meetings and conventions of this Union.

Section 5 Conflict with PSAC Constitution

Nothing in these By-Laws shall be construed to conflict with the Constitution of the Public Service Alliance of Canada.

Section 6 Publications

This Union shall issue such publications as are necessary to keep its members informed on matters of concern to them. The format of such publications shall be determined by the National Executive.

Section 7 Official Languages

The Component shall provide services to the members in the official language of their choice.

Section 8 Interpretation

The following interpretations shall apply in these By-Laws:

Union where used in these By-Laws shall be construed to mean Union of Canadian Transportation Employees - Public Service Alliance of Canada unless specifically indicated otherwise.

May is to be construed as permissive.

Shall is to be construed as imperative.

He and **She** shall be construed to include members of the opposite sex.

National Executive shall be construed to refer to the National Executive of the Union of Canadian Transportation Employees - Public Service Alliance of Canada.

National President shall be construed to mean National Full-Time Elected Paid President of the Union of Canadian Transportation Employees - Public Service Alliance of Canada.

APPENDIX A: OATH OF OFFICE

I, _____ having been elected an Officer of the Union of Canadian Transportation Employees, solemnly declare that for my term in office I shall fulfill the duties of such office, maintain and uphold the dignity of the Union and will always keep confidential matters concerning the Union that are brought to my attention.



THE REGULATIONS

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REGULATION I NATIONAL EXECUTIVE

Section 1 Executive Position - Vacancies

i) In the event the National President is unable to perform the duties of their office due to circumstances necessitating their temporary absence, the National Vice-President shall assume the duties and responsibilities of the office of the National President.

ii) In the event the National Vice-President is unable to assume the duties and responsibilities of the National President for any reason whatsoever, an election from amongst the Regional Vice-Presidents shall be held and the elected RVP shall assume the duties and responsibilities of the National President.

iii) In the event of a vacancy in the position of National Vice-President, the position shall be filled by election from amongst Regional Vice Presidents at the next meeting of the National Executive.

Section 2 Summer Meeting

Unless an emergency exists, in person National Executive meetings shall not be held between the dates of June 15 and September 15.

Section 3 National Board of Directors'

The National President shall place the National Board of Directors' as an item of business on the National Executive meeting agenda.

Section 4 Agenda

All items submitted for National Executive agenda must comply with Appendix A.

Section 5 Voting

All substantive votes, excepting votes on Life Memberships and Honorary Awards and elections, will be individually recorded in the minutes of National Executive meetings showing the name of each voter and how she or he voted on each issue.

Section 6 Official Inventory

National Executive Officers will sign a letter for the National office listing equipment, furniture, etc., valued over \$1000, in their possession that is the UCTE property.

Section 7 Minutes of Meetings

Record of decisions is a standard practice after each National Executive meeting.

Section 8 Recorded Minutes

The National Executive shall ensure all recorded proceedings of meetings and conventions are properly stored in a locked cabinet and kept until the next Triennial Convention, when after said convention they can be destroyed.

REGULATION II REGULATION GOVERNING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR ELECTED OFFICERS OF THE UNION OF CANADIAN TRANSPORTATION EMPLOYEES

Enacted this 26th day of August 1996

Section 1 Purpose

The purpose of this Regulation is to set up the terms and conditions of employment for the National Executive of the Union of Canadian Transportation Employees.

Section 2 Elected officers

The full-time elected officers of the Union of Canadian Transportation Employees are the National President, the National Vice-President and five Regional Vice Presidents.

Section 3 Terms and Conditions

The terms and conditions of employment for the full-time elected officers are as described in this Regulation.

Section 4 Tenure of Office

The tenure of office of full-time elected officers shall be in accordance with the By Laws of the Union of Canadian Transportation Employees.

Section 5 Entitlement to Pay

a) An elected officer is entitled to be paid for services rendered the remuneration applicable to the position held by the elected officers

b) The pay level of the Regional Vice-Presidents shall be 87.5% of the National President's salary.

c) The salaries of the elected officers of the Union of Canadian Transportation Employees shall be increased on May 15th of each year, commencing in 2009, by the weighted average annual salary increase of the members in the previous year.

Section 6 Continuous Employment

For the purpose of annual leave, continuous employment for an elected officer shall comprise the total period of continuous employment from the date of commencement of service in the Public Service/other Employers to the date of termination of employment with the Union of Canadian Transportation Employees.

For the purpose of severance pay, continuous employment for an elected officer shall comprise the total period of continuous employment from the date they have been elected to the date of termination with the Union of Canadian Transportation Employees.

Section 7 Designated Paid Holidays

An elected officer shall be entitled to designated paid holidays on the same basis as employees in the Union of Canadian Transportation Employees. The following days shall be paid designated holidays:

New Year's Day	Dominion Day
January 2nd	Civic Holiday
Family Day (The 3 rd Monday in Feb)	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Sovereign's Birthday	Christmas Day
St. Jean Baptiste (in lieu of the Civic Holiday)	Boxing Day

And one additional day when proclaimed by an Act of Parliament as a National Holiday.

Section 8 Overtime

a) Overtime means the requirement for an elected officer to be on official business for the UCTE on a day of rest, or on a designated paid holiday.

b) The elected officer shall be credited one and a half days (10.5 hours) in time for each day of rest or designated paid holiday day worked.

c) Overtime shall be compensated in equivalent compensatory leave with pay.

Section 9 Compensatory Leave

a) Compensatory leave with pay not used by December 31st each year will be paid in cash at the rate of pay received by the elected officer on December 31st.

b) Any compensatory leave with pay credited to an elected officer at the time this Regulation is enacted shall be retained by the elected officer or may, at the discretion of the elected officer, be used or paid in cash any time upon request.

c) If an elected officer dies or otherwise ceased to be employed, the elected officer or their estate shall be paid an amount equal to the product obtained by multiplying the number of days or hours of earned but unused compensatory leave by the daily or hourly rate of pay applicable to the elected officer immediately prior to termination of their employment.

d) A report of all compensatory leave shall be given annually to the Standing Finance Committee. Such report shall list all compensatory time earned and liquidated either in cash or in time off. The Standing Finance Committee shall report on compensatory leave to the National Executive annually.

Section 10 Leave - General

a) Leave credits shall be based on the fiscal year commencing January 1st and ending December 31st.

b) An elected officer who is entitled to receive at least ten (10) days pay in each calendar month of a fiscal year shall earn leave at the applicable rates.

c) When an elected officer, who has been granted more vacation, sick or special leave with pay than was earned, dies or ceases to be an elected officer because he or she is not re-elected for another term of office, the elected officer shall be considered to have earned the amount of leave with pay granted to him or her.

d) An elected officer who is on strength at the beginning of any year shall be entitled to take anticipated leave prior to such leave being earned.

Section 11 Sick Leave

a) An elected officer shall earn sick leave credits at the rate of one and one half (1 ½) days for each calendar month for which they receive pay for at least ten (10) days.

b) An elected officer shall be granted sick leave with pay when unable to perform their duties because of illness or injury under the same conditions that apply to all employees of the Union of Canadian Transportation Employees.

c) Subject to paragraph (d) below, when an elected officer is unable to perform their duties because of illness or injury and such illness or injury prevents the elected officer from attending the Convention and seeking re-election, the elected officer shall be entitled to be granted sick leave to the limitation of their sick leave credits or for the duration of the illness, whichever is less, provided they satisfy the Union of Canadian Transportation Employees that they are unable to work due to illness or injury.

d) In a case referred to in paragraph c) above, if the elected officer is eligible to receive benefits from Disability Insurance, the elected officer must apply for such benefits and must agree to pay the UCTE any amount received from Disability Insurance for the period between

the date of election where they ceased to be an elected officer and the date they ceased to be on sick leave with pay.

e) If an elected officer has insufficient credits to cover the granting of sick leave with pay under the provision of this section, sick leave with pay may be, at the discretion of the National Executive, granted up to 15 days. The granting of more than 15 days' advanced sick leave to an elected officer must be approved by the National Executive before sick leave with pay may be granted.

f) Unused sick leave credits shall be considered and counted as service for the purpose of Severance Pay when they ceased to be an elected officer.

Section 12 Vacation Leave with Pay

a) For each calendar month in which an elected officer earns at least ten (10) days' pay, the elected officer shall even earn vacation credits with pay at the rate of:

- i. Three (3) weeks upon commencing employment
- ii. Four (4) weeks after four (4) years
- iii. Five (5) weeks after nine (9) years
- iv. Six (6) weeks after sixteen (16) years
- v. Seven (7) weeks after twenty-five (25) years

b) An elected officer shall be granted vacation leave with pay under the same condition that applies to all employees of the UCTE as per the Alliance Employees Union (AEU) agreement.

c) An elected officer shall be entitled to carry forward any unused vacation leave credits but not in excess of one (1) year's entitlement.

d) Vacation leave credits with pay exceeding two (2) years' entitlement not used on December 31st each year will be paid in cash at the rate of pay received by elected officers by December 31st.

e) Any vacation leave with pay credited to an elected officer at the time this Regulation is enacted shall be retained by the elected officer or may, at the discretion of the elected officer, be used or paid in cash any time upon request.

f) If an elected officer dies or otherwise ceases to be employed, the elected officer or their estate shall be paid an amount equal to the product obtained by multiplying the number of days earned but unused vacation leave by the daily rate of pay applicable to the position immediately prior to the termination of their employment.

Section 13 Other Types of Leave

An elected officer shall be entitled to other types of leave with or without pay on the same basis and under the same conditions that apply to the employees of the Union of Canadian

Transportation Employees covered under the Alliance Employees Union (AEU) agreement. An elected officer is entitled to one (1) volunteer day.

Section 14 Severance Pay

a) Subject to paragraphs (b) and (c) below, when the employment of an elected officer terminates for any reason other than removal from office under By Law 11, Section 1 of the UCTE By-Laws, the elected officer shall be entitled to be paid one (1) week's pay at the position's current rate of pay for each completed year of continuous employment in respect of which the elected officer has not previously been paid severance pay to a maximum of 30 weeks.

b) Severance pay entitlement determined in accordance with paragraph (a) above shall be abated by the full amount of severance pay payable by the Public Service for the period of Public Service employment included in the total eligible service.

c) Notwithstanding paragraph (a) above, if an elected officer who terminates employment with the UCTE returns to employment in the Public Service/other employers, they shall be entitled to be paid severance pay only for the period of continuous employment with the Union of Canadian Transportation Employees.

d) If an elected officer dies during their employment with the UCTE, there shall be paid to the estate of the deceased an amount equal to the amount they would have otherwise been entitled to at the time of termination of employment with the Union of Canadian Transportation Employees.

e) For the purpose of paragraph c) of this section, continuous employment with the Union of Canadian Transportation Employees means continuous employment in the UCTE Component.

Section 15 Travel Expenses

An elected officer of the Union of Canadian Transportation Employees is entitled to be reimbursed their travel expenses in accordance with Regulations established, and as amended from time to time by the National Executive.

Section 16 Relocation Expenses

An elected officer of the Union of Canadian Transportation Employees is entitled to be reimbursed their relocation expenses in accordance with Regulation XII.

Section 17 Other Benefits

a) An elected officer is entitled to all other benefits which are currently applicable to employees of the Union of Canadian Transportation Employees as per the AEU Collective

Agreement. Any changes to benefits shall be reviewed by the National Executive before being applied to the elected officers.

Other benefits include the following:

- Salary Continuation Plan
- Group Life Insurance
- Supplemental Hospital & Medical Insurance
- Group Dental Plan
- Vision Care Plan
- Employee Assistance Program
- Canada Pension Plan
- Unemployment Insurance
- Retirement Plan

b) An elected officer shall be entitled to receive a bilingualism bonus on the same basis and under the same conditions that apply to all employees of the Union of Canadian Transportation Employees.

c) No additional benefits other than those described in this Regulation shall be granted to elected officers unless they are approved by Convention.

REGULATION III LIFE MEMBERSHIP, HONORARY AND MERIT AWARDS

Section 1 Life Membership

i) Life Membership conferred upon a member shall entitle said Life Member to all rights and privileges of membership without requiring payment of a per capita tax to the Local, Union or the Alliance. Such per capita tax as due the Alliance and the Local shall be paid from Union (National) funds.

ii) A Life Member shall normally be a member of the Local which nominated them for Life Membership or, in the instance of nominations by the National Executive, shall normally be a member of the Local to which the Life Member previously paid dues.

Section 2 Honorary Award

i) An Honorary Award may be given to a member or former member of the Union of Canadian Transportation Employees for outstanding or exemplary service to the Union of Canadian Transportation Employees.

ii) Nominations for Honorary Award in the Union of Canadian Transportation Employees may be made by the President of a Local or by the National Executive, in respect of any member who has given outstanding service to the Union of Canadian Transportation Employees.

iii) Outstanding service to the Union of Canadian Transportation Employees shall mean service of a very significant nature involving a single incident or service of a high caliber over a period of time; in any case, the service may be at any level of the organization.

Section 3 Merit Award

i) A Merit Award may be given to a member or former member of the Union of Canadian Transportation Employees for loyal and faithful service at any or all levels of the organization.

ii) A member shall be granted applicant status if nominated during a period of lay-off or on leave without pay.

iii) Nominations for a Merit Award shall be made by National Executive or by the Executive of a Local.

iv) At its discretion, the National Executive may award a Merit Award to a person that is not a member of the Union of Canadian Transportation Employees.

v) All decisions in the awarding of Merit Awards shall, in all circumstances, require a two-third (2/3) majority of the National Executive assembled in regular meeting and voting by secret ballot.

Section 4 Application for Life Membership, Honorary and Merit Awards

i) All nominations shall be made in and on a form prescribed by the National Executive for that purpose.

ii) A separate application shall be completed for each nominee.

iii) All applications for Life Membership or Honorary and Merit Awards shall be referred to the Standing Committee on Honours and Awards. This Standing Committee shall review all applications and make appropriate recommendations to the National Executive.

iv) All decisions on awarding Life Membership or Honorary and Merit Awards in the Union of Canadian Transportation Employees shall, in all circumstances, require a two-third (2/3) majority of the National Executive assembled in a regular meeting and voting by secret ballot.

REGULATION IV PAYABLE ALLOWANCES

Section 1 Reimbursement

i) Loss of salary shall be paid to any member who is on official national UCTE Union business.

- ii) The loss of salary shall be computed at the member's daily rate of pay or proportionally thereof, i.e. ½ day. A member must show a leave form from the employer for reimbursement; and shift workers shall provide a shift schedule.
- iii) Member who is on official national UCTE Union business on a day of rest shall be reimbursed a flat rate of \$100.00 per day.
- iv) The reimbursement of the loss of salary is considered as income for taxation purposes. Income tax will be deducted at source, unless specifically requested otherwise in writing that it not be deducted at source. In addition, statutory deduction will be made for Canada Pension Plan and Employment Insurance. T4 forms will be issued reflecting total income from duty allowance, income tax, CPP, and EI deducted at source. The T4 forms will be forwarded at the end of each tax year.

Section 2 Transportation

- i) Transportation cost shall be paid as follows:
 - a) Air Travel: Economy Class, except at the discretion of the National President;
 - b) Rail travel: Economy, trip of four hours or less; Business Class, trip of more than four hours; Sleeper class, overnight travel;
 - c) bus fare, or
 - d) private motor car at the rate allowed by the current Treasury Board Travel Directive, but not to exceed the normal transportation cost.
- ii) Taxi fare or other ground transportation fare to and from airports, railway stations or bus stations shall be paid as claimed to a maximum of \$8.00 each way, except when supported by receipt.

Section 3 Daily Allowance

i) Meals and Incidentals.

A member on official authorized Union business shall be entitled to claim a per diem amount of \$10.00 to the nearest dollar, over and above Treasury Board meal rates plus incidentals. Any change to Treasury Board rates will automatically be applied.

ii) Meals.

If three meals are not involved, the amount(s) specified in the current Treasury Board Travel Directive shall apply.

iii) Accommodation.

In addition to the per diem, the cost of reasonable hotel accommodation shall be reimbursed when an overnight stay is necessary and authorized, such claim to be supported by receipts or vouchers.

Section 4 Expense Claims

i) Activity Reports and Receipts.

Excepting Section 1 (i) of this regulation, expense claims submitted under authority of this Regulation Sections 1, 2, 3(i) and 4 shall, where expenses are claimed, be accompanied by vouchers or receipts and a written report of the activities and shall be subject to the scrutiny and approval for payment by the National President. All expense claims are to be submitted to the National Office within thirty (30) days of the activity necessitating expenditures of Union funds or within thirty (30) days of receipt of an advance from National Office. No further advance will be issued to a member or officer of the National Executive unless all outstanding expense claims are settled or prior advance(s) accounted for.

ii) Written Clarification.

The National President may request written clarification of any claim submitted for payment and if they determine said clarification inadequate may reject part of or the entire claim.

iii) Rejection/Right to Appeal.

In case of a rejection of a part of or entire claim, the claimant may request referral of the claim to the National Executive for resolution. However, if the claimant does not elect this avenue of appeal within thirty (30) days of written notification of rejection by the National President, they shall have deemed to have relinquished his right of appeal.

Section 5 Regional Vice-Presidents -- Activity Approval

i) All activities by Regional Vice-Presidents, other than that specified in By-Law 7, Section 3, necessitating expenditure of Union funds shall require written approval from the National President prior to the activity.

ii) Such approval shall be sought through the office of the National President at least two (2) weeks prior to the proposed activity, giving full particulars as to the need and purpose of the activity, including documentation related thereto.

iii) Field trips of an extremely urgent nature shall be authorized by the National President.

Section 6 Long Distance Calls

All claims submitted for long distance toll charge shall require a complete telephone company record sheet attached for reference.

Section 7 Travel/Other

For travel not specifically covered by these Regulations, the Treasury Board Travel Directive shall apply.

REGULATION V COLLECTIVE BARGAINING COMMITTEE PROCEDURE

Section 1 Eligibility

Only members within the bargaining unit can serve on the group bargaining committee.

Section 2 Observers

Observers have a voice but no vote.

Section 3 Input and Nominations

Bulletins requesting input and nominations will be mailed at least to Local Presidents, Secretaries and Shop Stewards of the group concerned.

Section 4 Committee Nominations

Nominations for all bargaining committee members shall be requested by the National Office at the same time as a call for collective bargaining input.

Section 5 Restrictions

Members of the National Executive will not be members of Treasury Board bargaining committees. A member of the National Executive will normally sit on a bargaining committee/negotiating team for CLC locals as the technical advisor.

Section 6 Committee Nominations Selection

Normally, advisory committee members will be the members sitting on the collective bargaining committees. If no advisory committee exists, members of the bargaining committees will be selected among nominations received from the Locals.

Section 7 Reimbursement for Loss of Salary

i) Members who are appointed by UCTE to PSAC Bargaining Committees shall be reimbursed for actual loss of salary or receive a flat rate of \$100.00 per day for their days of rest. Overtime may not be claimed under any circumstances.

ii) Members who are appointed by the UCTE to the PSAC Negotiating Teams shall be reimbursed for actual loss of salary, and who work on a day of rest shall be compensated at their straight-time hourly rate of pay to a maximum of 8 hours.

REGULATION VI CONVENTION

Section 1 Bargaining Resolutions

i) All resolutions of a bargaining nature will be excluded from this Union's Triennial Convention business except those items not covered by the PSAC Collective Bargaining Branch. The intent is not to restrict matters of service-wide import.

ii) Any bargaining demands received as resolutions will be kept in a separate file for that group, to be dealt with by the bargaining committee.

REGULATION VII PAYABLE ALLOWANCES – STAFF

Section 1 Expense Claims

i) *Authorization.*

For the purpose of this Regulation, officially authorized Union business which necessitates travel by the National Office staff shall be determined by the National President.

ii) *Expenses claimed by the President or National Vice-President*

All expense claims shall be authorized by the other person and reviewed by the Regional Vice-President appointed to the Standing Finance Committee on a biannual basis.

iii) *Expenses claimed by Labour Relations Officers*

Subject to sub-section (i) above, all expense claims submitted by Labour Relations Officers shall require approval for payment by the National President or the National Vice-President.

iv) *Travel in accordance with Regulations*

All travel expense claims shall be in accordance with these Regulations.

REGULATION VIII NATIONAL OFFICE NON-ELECTED STAFF – GENERAL

Section 1 Administrative Personnel

i) **Hiring Authority**

The National President shall, upon approval of their recommendation by the National Executive, be delegated the authority by the National Executive to hire National Office staff.

ii) Dismissals

The National President shall, upon approval of their recommendation by the National Executive, be delegated the authority to dismiss any employee of this Union.

Section 2 Condition of Full-Time Employment

As a condition of employment, full-time employees shall cease to have any connections with any other employer such as being on leave of absence from the government service after expiry of a twelve-month probation period.

Section 3 Training Costs

This Union shall pay for any training courses that our employees wish to take on their own time that will improve their ability to perform their duties with our Union, subject to approval by the National Executive prior to the commencement of the course and subject to successful completion of the course.

REGULATION IX STAFFING PROCEDURE REGULATION

Section 1 Advertising/Distribution

i) Vacancies and/or newly created positions to be advertised in the form of a UCTE bulletin giving full particulars as to:

- a) level of position;
- b) duties to be performed;
- c) language requirements;
- d) qualifications and experience required
- e) time limit for the receipt of applications; and
- f) such other information as deemed necessary.

ii) The UCTE general distribution mailing list will be used, and such list must include the Alliance and other Components.

iii) When necessary, positions are to be advertised in the newspaper.

Section 2 Area of Competition

As per the UCTE Convention policy and/or in the absence of same as determined by the National Executive of the UCTE.

Section 3 Language Requirements

As determined by the National Executive of the UCTE upon recommendation of the National President.

Section 4 Selection Board

The composition of the selection board will be as follows:

- a) For Labour Relations Officers positions: the National President and the National Vice-President.
- b) For the Administrative Officer and other support staff positions: the National President and other members appointed by him or her.

Section 5 Selection Process

Interviews will be conducted in Ottawa; all expenses involved being assumed by candidates.

Section 6 Staffing Interviews

- i) Based on merit following interviews of candidates, candidates may opt to be assessed on the basis of their application only.
- ii) Questions related to the duties to be performed and qualifications and experience required will serve to rank candidates in order of merit. While appointments are based on merit, Public Service Selection Standards do not apply.

Section 7 Review Process

- i) The review process is accessible only to unsuccessful candidates who participated in a "closed competition" as a result of which an appointment is about to be made. The term "closed competition" means the selection process in which the UCTE members and staff are considered in first instance.
- ii) When no appointment is about to be made as a result of a "closed competition", no candidates have access to the review process; furthermore, if an appointment is about to be made as a result of an "open competition", that is, a competition open to staff of the PSAC and its Components as well as to the general public, there is no review process.
- iii) In any case, applicants who are not considered as a result of the screening process, in other words, applicants who are not candidates in the "closed competition"; do not have access to the review process.
- iv) The purpose of the review process is to ensure or determine whether or not all candidates received fair and just treatment from the Selection Board and that the merit of all candidates was assessed in a just, fair and consistent fashion. It is to be emphasized that this review process is not to be confused with the Public Service appeal process since the *Public Service Employment Act and Regulations* as well as Selection Standards do not apply.
- v) Those unsuccessful candidates who have access to the review process will be so advised and have ten (10) working days in which to request a review, stating their reasons for doing so.

REGULATION X REQUEST FOR LOAN BY A LOCAL

Section 1 Maximum Loan

Any request by a Local for a loan from our national Union may be approved by the National Executive at its next meeting to the maximum amount of \$1,000.00. A two third (2/3) majority vote of the membership present at a meeting of the Local will be required before such an application to the Union of Canadian Transportation Employees can be made by the Local.

REGULATION XI LOCAL TRUSTEESHIP

Section 1 Authority

The authority of the National Executive shall be delegated to the National President.

Section 2 Investigation

When the National President is notified or becomes aware that a Local is not carrying out its responsibilities, they shall notify the Regional Vice-President responsible who, in turn, will conduct an immediate investigation and submit a report to the National President through the National Office.

Section 3 Appointment of a Trustee

The National President shall, upon receipt of the report, initiate action as required, including the appointment of a trustee, and prepare a full report for the National Executive.

Section 4 Transfer of Rebate to Component

Effective the month following that in which a Local dissolves or is suspended, the Local rebate shall be transferred to the Union of Canadian Transportation Employees income and only be reinstated to the Local effective the month following its reactivation.

Section 5 Transfer of Rebate to Local

In the case of reactivation, reorganization or amalgamation of a Local, the National Executive shall decide what portion, if any, of the rebate transferred to the Union of Canadian Transportation Employees income is to be paid to the Local(s).

Section 6 Authority of Trustee

- a) Take charge of all books and records of the Local on behalf of the National President; and
- b) May appoint a committee of not less than three (3) members, which may include themselves, who shall act as interim Local Executive with all the powers that normally rest with

the Local. The committee shall make every effort to re-establish the Local and/or recommend other action for the consideration of the National Executive. In either case, a full report must be submitted to the National President or their delegate who will immediately refer the matter to the National Executive for a decision.

Section 7 National Executive Decision

The decision of the National Executive shall be communicated to the trustee and the members concerned.

REGULATION XII RELOCATION - NATIONAL EXECUTIVE

Section 1 Relocation Expenses

i) This regulation authorizes the UCTE to reimburse those actual and reasonable expenses for the relocation of any member of the National Executive and immediate family from one place of residence to another, whether at the time of election or at the time of termination of employment as full-time elected member of the National Executive.

ii) Expenses will be allowed in accordance with the Treasury Board Administrative Policy Manual, Treasury Board Relocation Directive, except the “guaranteed house purchase program”.

iii) Relocation expenses shall be paid providing the elected National President or National Vice-President, at the time of election, is residing outside the greater Ottawa area and must move to the greater Ottawa area. When the National President or National Vice-President ceases to be employed as a full-time elected officer for any reason, except misconduct, or does not complete a minimum two thirds (2/3) of their first term on their own decision, sickness or circumstances beyond their control, such National Executive members shall be paid actual and reasonable expenses at an amount equal to their relocation from their former place of residence providing that:

- a) such member is residing outside the National Capital Region at the time of election;
- b) such member does not accept other employment in the National Capital Region area after the termination of employment as full-time elected officer; and
- c) such member applies for relocation expenses within three months of the termination of employment as National President or National Vice-President. Under special circumstances, with the approval of the National Executive, the period of application can be extended.

iv) In the case of death of the National President or National Vice-President during their term of office, dependents shall be entitled to relocation expense reimbursement as per Section i) of this regulation. Upon request from the immediate family, assistance may be

paid for the transportation of the remains of the deceased President or National Vice-President to their former place of residence.

v) Sub-section iii) shall apply to Regional Vice-Presidents who are required to move after being elected to office pursuant to By-Law 6, section 3.

REGULATION XIII FINANCE COMMITTEE REGULATION

Section 1 Responsibilities

- i) To monitor the UCTE expenditures in regard to policy guidelines and the three-year capital budget passed by Convention;
- ii) To review resolutions, motions etc., from the National Executive that have a cost factor and report the findings and recommendations to the National Executive;
- iii) At the direction of the National Executive:
 - a) to review expense claims submitted to the UCTE and make recommendations to the National Executive;
 - b) to review operational expenditures and make recommendations to the National Executive.

REGULATION XIV COLLECTIVE BARGAINING: CANADIAN UNION OF STAFFING OFFICERS (CUSO) and/or ALLIANCE EMPLOYEES UNION (AEU)

Section 1 Negotiations

- i) The National President and the National Vice-President shall be the negotiating team. A Regional Vice-President shall be appointed should an alternate be required.
- ii) The National Executive shall set a mandate for the negotiating team prior to the commencement of negotiations with CUSO/AEU.
- iii) The contract shall be subsequently ratified by the National Executive.

REGULATION XV SCHOLARSHIPS/SPONSORSHIP

- i) The D Bennett/W. Weaver Memorial Scholarship of \$1,000 is available every year to UCTE members who wish to attend the Labour College Residential Program. If not awarded, this amount will be accumulated to a maximum of \$5,000 until it is disbursed.
- ii) The Gary Farrell Memorial Scholarship of up to \$1,000 is available every year to UCTE members who wish to attend a full or part-time program in the area of Health and Safety, Workers' Compensation, Duty to Accommodate or Labour Relations or to UCTE members

who wish to attend a full- or part-time post-secondary program in Social Justice or Social Science programs.

- iii) The National Firefighter Ceremony Sponsorship will provide resources each year for one member to represent the Emergency Responder/Firefighter membership of UCTE at the annual Canadian Fallen Firefighter Memorial activities in Ottawa. Representatives will be chosen from their respective regions on a rotational basis.

APPENDIX A: GUIDELINES WITH RESPECT TO THE CONDUCT OF NATIONAL EXECUTIVE MEETINGS

To conduct any meeting in an effective and productive manner, whether it is a Union meeting or any other business, it is imperative that all items placed on the agenda be well researched so as to provide all of the necessary information and documentation to those officers who have decision-making powers. One other and most important aspect of this research is, of course, to enable the officers responsible to the National Executive and to the membership to make recommendations on the agenda items.

In the past, it has been our experience that, in most cases, a meeting would have been more effective and productive had all concerned been given all relevant information to better prepare themselves. Not having this documentation results in excessive time devoted to discussions, questions etc., as most National Executive Officers are not aware of the reason for the item being placed on the agenda, the problem or problems that may exist, the effects it may have or the corrective action that needs to be taken.

The National Office is called upon to provide many answers and/or information at such meetings, which answers and/or information is available to us in our files, at least in most cases. Unfortunately, we are not given the opportunity to assemble the necessary information and documentation in many instances, and some questions are answered vaguely or not at all. Some decisions are made without the necessary data available, which creates serious difficulties thereafter.

In some cases, a simple exchange of correspondence with other members of the National Executive and/or National Officers could provide the answers and information necessary. Should this fail, the matter would be placed on the agenda of a National Executive meeting. Otherwise, rather than formulating policy and dealing with matters of service-wide import, we are involved in a question and answer exercise.

Our National Executive meetings should be considered as mini-conventions. Let us look at them as such and apply the following guidelines, which can only result in more effective and productive meetings:

- A deadline date will be established for the submission of items on the agenda. Each item submitted will be accompanied by all of the necessary information and documentation available as well as the reasons for placing it on the agenda. If at all possible, the corrective action suggested or sought will be included.
- Any late submitted items, as well as additions to the agenda, will be accepted, subject to approval of the majority of National Executive Officers present at the meeting. By this we mean that the reason or reasons for not having placed the items on the agenda within the prescribed time will be considered as valid by the majority of National Executive Officers present as well as the necessity of dealing with it at that time.
- The National Office will forward a complete agenda file to all National Executive Officers prior to the starting date of the National Executive meeting.

APPENDIX B: FRAUD INVESTIGATION GUIDELINES

1. All reports of alleged fraud shall be reported to the National Executive in writing by the Local Executive and signed by the President of that Local or his/her designate.
2. All witness/witnesses' statements shall be in writing and signed by the witness/witnesses.
3. All reports and documented proof of fraud shall be made available to the National President as soon as the Local is aware of the fraud and the National President shall make the National Executive and/or the Discipline Committee aware of the report. These Committees shall determine what legal action, if any, shall take place.
4. All documentation and committee reports shall be actioned as soon as reasonably possible.
5. All aspects of reported fraud shall be confidential.

APPENDIX C: ADVISORY COMMITTEE GUIDELINES

Revised at the October 18-22, 1998 National Executive Meeting

1. Advisory Committees shall be used to provide the National Executive with information and advice on issues directly related to the purpose for which they were formed.
2. Advisory Committees shall be formed as required, on an ad-hoc basis, upon approval of the National Executive.
3. The mandate and composition of the Advisory Committees shall be approved by the National Executive.
4. Advisory Committees may be established to address issues related to either employer or occupational groups, for example:

Employer type advisory committees

Airports Advisory Committee
NAV CAN Advisory Committee
Coast Guard Advisory Committee
TC Advisory Committee

Occupational group advisory committees

CR Advisory Committee
GLT Advisory Committee
FR Advisory Committee
SC Advisory Committee
TI Advisory Committee
GT-OSS Advisory Committee

5. The frequency and location of committee meetings shall be at the discretion of the National President and committees will report to the National Executive through the National President.

APPENDIX D: REGIONAL VICE-PRESIDENT'S JOB DESCRIPTION

Revised at the October 1991 National Executive Meeting

1. Attend and participate in meetings of the National Executive, by:
 - submitting agenda items, including relative documentation;
 - bringing to the attention of the National Executive all pertinent points regarding regional and national concerns;
 - making decisions that affect the Union regionally and nationally;
 - chairing and/or attending all committee meetings when appointed to do so;
 - being responsible to the National Executive for the RVP's region;
 - implementing programs and actions as directed by the National Executive.

2. Assist and monitor all locals in the region, by:
 - providing pertinent information and guidance to locals and its elected officers;
 - monitoring locals' activities such as union/management consultation; JOSH committees, financial situations and membership participation;
 - visiting each local annually, with visit to coincide with the local annual general meeting, and chairing election of officers;
 - bringing to locals' attention the number of Rand members and assisting them to sign up these members;
 - assisting the local executive in the grievance process to ensure complete documentation of a grievance before transmission;
 - contacting local officers directly on a monthly basis to assist with problems and concerns;
 - ensuring UMC and JOSH agenda items not resolved at the local level are brought to the RVP's attention;
 - having the authority to examine records and accounts of each local during the annual visit.

3. Provide grievance representation at the regional level, by:
 - studying and reviewing grievance files to ensure all information and facts are provided by the local;
 - writing and presenting the grievor and the Union's position regarding grievances at the regional level;
 - writing and preparing a summary of the employer's position for transmission to the final level;
 - maintaining a grievance file for region.

4. Perform all regional duties as required by the National Executive or the National President.

5. Arrange for the National President or their designate to visit locals at least once during the President's term in office.

6. Act as chairperson or co-chairperson of regional union-management consultation and health and safety committee meetings, as well as preparing and presenting agenda items to be discussed at these meetings.
7. Ensure and maintain a proper working relationship with the UCTE Labour Relations Officers, the UCTE Staff, PSAC officials and various levels of management;
8. May attend the Federation of Labour Convention in the RVP's area of jurisdiction.
9. Be responsible for pertinent files and records and submit travel expense claims.
10. Provide weekly activity reports to the National President, by:
 - briefly outlining weekly activities; and
 - bringing to the attention of the National President any matter deemed important.
11. Provide a written report on activities and recommendations arising from them to each National Executive meeting and a written summary of events six months prior to the Triennial Convention.
12. Attend, as a voting delegate, all PSAC and the UCTE Triennial Conventions and committees thereof.
13. Shall maintain a working knowledge of all documentation necessary for the performance of the work, i.e. legislation, Acts of Parliament, collective agreements, regulations, directives, policies, procedures, Canada Labour Code, etc.
14. Perform all other related duties assigned by the National President, such as: privatization, media representation, strike coordination, organization of new bargaining units, etc.
15. Contact their alternates quarterly to keep them informed of changes, issues and problems

APPENDIX E: GUIDELINES FOR DISCIPLINARY ACTION FOR UCTE MEMBERS

Copied from PSAC Regulation 19. Adopted by UCTE National Executive March 19, 2013.

REGULATION 19

Public Service Alliance of Canada

Enacted this 2nd day of June 1983

(As amended February 3, 1984)

(As amended October 1, 1987)

(As amended May 22, 1990)

(As amended May 29, 1991)

(As amended March 1, 1993)

(As amended May 27, 1993)

(As amended April 15, 1997)

(As amended May 21, 1998)

(As amended May 2003)

(As amended June 8, 2004)

(As amended June 2006)

(As amended February 5, 2013)

REGULATION GOVERNING MEMBERSHIP DISCIPLINE

1. The National Board of Directors, in accordance with Section 25 of the Constitution, retains the authority to suspend or expel from membership any PSAC officer or member.
2. In accordance with this Regulation, a Regional Council, Component, Local or Regional Committee shall have the authority to remove from an office of the body concerned any member who is found to be in contravention of the Constitution as specified in Sub-Section (5) of Section 25, or the Regional Council, the Component, the Local or the Regional Committee By-Laws.
3. In accordance with the procedure outlined in this Regulation, a Regional Council, Component, Local or Regional Committee may recommend the suspension or expulsion from membership of any member of that body.
4. Any and all charges against a member shall be placed in writing, signed by the member or members making the charge or charges, and shall be submitted to the appropriate body for consideration.
5. The appropriate executive body receiving the allegation(s) shall determine whether "evidence" (prima facie and supporting document) warrants an investigation.

6. Any charge or charges which are found to be frivolous or intended to harass, embarrass, or discredit a member or members may result in disciplinary proceedings under Section 25, Sub-Section (5) (e) and/or (g).
7. The procedure for the handling of disciplinary charges shall be as follows:
 - (a) The appropriate body shall establish an internal or external impartial review committee consisting of three (3) people to investigate and assess the charges, including the receipt of oral and written evidence.
 - (b) The member(s) charged with misconduct shall be provided a copy of the charges and, both the members making the charge and member(s) charged will be afforded the right to appear before the Committee.
 - (c)
 - (i) If disciplinary action is recommended, the Committee report shall be placed before a special or general meeting of the appropriate body and shall be subject to the acceptance of two-thirds (2/3) of those members in attendance; except only that the member(s) initiating disciplinary action against another member(s), and the accused member(s) shall be denied voice and vote during the decision-making process.
 - (ii) If the Committee determines that the PSAC Constitution or appropriate body by-laws were not violated, no further action is taken.
 - (iii) If the Committee determines that the PSAC Constitution or appropriate body by-laws were violated but does not recommend disciplinary action, the Committee report shall be placed before a special or general meeting of the appropriate body and shall be subject to acceptance of two-thirds (2/3) of those members in attendance; except only that the member(s) initiating disciplinary action against another member(s), and the accused member(s) shall be denied voice and vote during the decision-making process.
 - (d) If allegations are founded, the report of the Committee established in Section 7 (a) of this Regulation shall consist of two parts.
 - (i) Part I: will include a finding of fact that confirms the members have violated the PSAC Constitution or Regional Council, Component, Local or Regional Committee By-Laws. This part of the report cannot be amended.
 - (ii) Part II: will recommend the specific disciplinary action, if any to be imposed.
 - (e) If the appropriate body accepts a recommendation of removal from office, it shall convey that decision to the member or members concerned together with written notice that an appeal may be submitted to the appropriate body.

- (f) If the appropriate body accepts a recommendation to suspend or expel from membership, the appropriate body shall forthwith advise the Regional Executive Vice-President or Component President in writing together with all relevant documentation.
8. (a) A charge or charges against an officer of the National Board of Directors in the capacity of a member of the NBoD shall be submitted to the PSAC Alliance Executive Committee, except as provided in Section 9.
- (b) A charge or charges against an officer of the National Board of Directors in the capacity of a Component President shall be submitted to the Component First or National Vice-President.
9. (a) Where a charge or charges of misconduct is alleged against an officer of the Alliance Executive Committee, except the National President, the written allegation shall be submitted to the National President and, at its next regular meeting, the National Board of Directors shall establish an internal or external impartial review committee to deal with the matter in accordance with Section 9 (b) and (f) inclusive.
- (b) Where a charge or charges of misconduct is alleged against the National President, the written allegation shall be submitted to the National Executive Vice-President and, if validated by the Alliance Executive Committee, the NBoD shall, at its next regular meeting, establish an internal or external impartial review committee to deal with the matter in accordance with Section 9 (b) and (f) inclusive.
10. Any member charged with misconduct shall not be a member of the Committee established to investigate the allegation(s), and shall not participate in the vote to accept or reject the findings and recommendations of such a committee. For greater clarification, where more than one member is charged with a similar offence, such as crossing a picket line (Section 25, Sub-Section (5) (n)), the member(s) charged will not be member(s) of the Committee established to investigate the allegation(s), and shall not participate in the vote to accept or reject the findings and recommendations of such a committee.

Appeal Procedure

11. (a) A decision to implement disciplinary action under the provisions of Sub-Sections (1) or (2) of Section 25 of the Constitution, the applicable Regional Council, Component, Local or Regional Committee By-Laws may be appealed to a tribunal empowered to hear appeals. A written notification of the individual's intent to appeal must be submitted to the Senior Officer of the appropriate body within sixty (60) calendar days of receipt of the disciplinary notification. The appropriate body will determine whether the Tribunal consists of one or three members.
- (b) A Tribunal comprised of three (3) members shall include a representative of the appellant, a representative of the appropriate PSAC body and a third independent person agreed to by both parties or appointed by an appropriate labour organization such as a Canadian Labour Congress affiliated union, a Federation of Labour or the

Canadian Labour Congress, as determined by the AEC. The appellant shall not be a member of the Appeal Tribunal. The representative of the appropriate PSAC body must not have a conflict of interest in the outcome nor have been involved in the process or the decision to suspend.

(c) The decision of the Tribunal shall be final and binding on all parties to the appeal.

12. The Tribunal shall be established within a two-month period unless the timeframe is extended by:

(a) mutual agreement of the parties concerned; or

(b) the AEC if it determines that extenuating circumstances prohibit the establishment of the Tribunal within the above-noted timeframe.

13. The PSAC Centre shall be responsible for the cost of the hearing and the expenses of the Tribunal in the case of a single member Tribunal.

The PSAC Centre shall be responsible for the cost of the hearing and the expenses of the Chairperson in the case of a three (3) member Tribunal, except as follows:

(a) Each party will be responsible for his/her own expenses, except that if the appellant's appeal is successful, the appellant may be entitled to reasonable expenses as determined by the National Board of Directors. Such expenses shall be paid by the applicable level of the Public Service Alliance of Canada.

(b) The expenses of the member of the Tribunal appointed by the appellant, including any per diem or salary required, shall be borne by the appellant.

(c) When a PSAC Regional Council or Component/Local takes disciplinary action against a member and an appeal is lodged with the Public Service Alliance of Canada, the PSAC Regional Council or Component/Local member of the Tribunal will be appointed by that Regional Council or Component/Local, and the Regional Council or Component/Local will be solely responsible for his/her expenses.

(d) Each party shall normally be responsible for any expenses incurred as a result of testimony from any witness they wish to call. However, where the appeal is upheld, the appellant may, in extenuating circumstances, request full or partial payment of reasonable expenses incurred by witnesses for the appellant. Such expenses, whose reasonableness shall be determined solely by the National Board of Directors, shall be paid by the applicable level of the Public Service Alliance of Canada.

14. Notwithstanding the procedures contained in the previous paragraphs of this Regulation, disciplinary action may be initiated in accordance with Section 25 of the PSAC Constitution at a higher level than where the actions giving rise to disciplinary action occurred.

15. The procedure for dealing with any disciplinary situation which may arise which is not specifically covered under this Regulation shall be deemed to be covered and processed within the spirit and intent of this Regulation.

Strike Breaker

16. Notwithstanding any previous provisions of this Regulation, in the case of an alleged violation of Section 25, Sub-Section (5) (n) of the PSAC Constitution, the following procedures may be utilized:

(a) At the Local level, the alleged violation of Section 25, Sub-Section (5) (n) will be signed by a Local member and submitted to the Local Discipline Committee or Local Executive for study and recommendation to a general membership meeting. The member alleged to have violated Section 25, Sub-Section (5) (n) will be notified in writing, notified of the general membership meeting and given an opportunity to make representation at the Local meeting. The decision of the general membership meeting will be forwarded to the Component President in writing together with all relevant documentation. The Component President, after satisfying himself/herself that the proper procedure has been followed, shall submit the matter to the National Board of Directors for decision.

or

(b) At the Component national or regional level, upon receipt of an alleged violation of Section 25, Sub-Section (5) (n) signed by a Local member, an assigned Component National Officer shall notify the member charged, conduct an investigation providing an opportunity for the member charged to make representation and prepare a written report for the Component President. The Component President shall submit the written report to an executive body of the Component for its review and recommendation. The Component President, after satisfying himself/herself that the proper procedure has been followed shall submit the matter to the National Board of Directors for decision.

Regulation 19 Chart

Note: chart adapted from PSAC Regulation 19 to conform to UCTE structure at the February 17- 20, 2014 National Executive Meeting.

<u>ALLEGATIONS AGAINST</u>	<u>APPROPRIATE RECEIVING BODY</u>	<u>APPROPRIATE BODY VALIDATING PROCESS</u>	<u>DECIDING BODY</u> <u>Membership Suspension</u>	<u>DECIDING BODY</u> <u>Removal from Office</u>	<u>DECIDING BODY</u> <u>Removal from all PSAC Offices</u>
Member	Local President	RVP	NBoD	Local Membership	NBoD
Local President	RVP	National Executive	NBoD	National Executive	NBoD
Regional Vice-President	Component President	National Executive	NBoD	National Executive	NBoD
Component President	National Vice-President	National Executive	NBoD	National Executive	NBoD
NBoD/Component President	PSAC National President	NBoD	NBoD	NBoD	NBoD
National Vice-President	National President	National Executive	NBoD	National Executive	NBoD
PSAC National President	PSAC National Vice-President	Alliance Executive Committee	NBoD	NBoD	NBoD

APPENDIX F: UCTE LOCALS IN TRUSTEESHIP GUIDELINES

INCOMPLETE LOCAL EXECUTIVE

The Union of Canadian Transportation Employees (UCTE) By-Law 4, Section 3, a) has a requirement for local executives to be composed of not less than three (3) officers who shall be a President, a Vice-President and a Secretary-Treasurer. When a Local fails to elect the three required positions or when a member of the Local Executive holding one of these three positions steps down, there must be a review to determine whether the Local must be put into Trusteeship.

PROCESS TO BE FOLLOWED

1. The Regional Vice-President (RVP) must inform the UCTE National President immediately upon a Local becoming non-compliant with By-Law 4, Section 3. The RVP must include a report outlining why the Local is in non-compliance along with a recommendation for Local status.
2. The National President shall determine a time frame to allow the Local to become compliant with By-Law 4, Section 3. The National President shall give due consideration to the specific circumstances of each Local not in compliance to determine the appropriate time frame; for example, to allow Locals who are seasonal in nature the opportunity to fill the vacant position(s), Locals in process of collective bargaining or Locals facing unique situations. This time frame is not to exceed one (1) year. The National President will inform the Regional Vice-President of the time frame for the Local to become compliant.
3. Should the Local not be able to put together an Executive, the National President will direct that the Local to be put in Receivership and advise the RVP immediately who will advise the Local. The National President will report this to the National Executive at the next meeting, either at the conference call or face to face meeting whichever comes first. The National President will advise the UCTE Finance Officer to withhold the Local dues and hold all funds in Trusteeship. The UCTE Finance Officer will liaise with the appropriate banking institution to freeze the bank account and remove all Local signatories.
4. As per By-Law 4, Section 2, b) the RVP shall service the members of Locals that are not in good standing. The funds being held in trusteeship shall be made available to the RVP to defray any expenses incurred for representation.
5. For the RVP to access these funds, a written request must be made to the National President to release the funds needed along with a summary of how these funds will be spent. The Regional Vice President must keep a record of all monies spent and the information provided to the Local upon its re-activation.

FAILURE TO PROVIDE ANNUAL AUDITED STATEMENTS

By-Law 10, Section 2 c) requires Locals to submit their annual audited statement before April 1st of each year. Failure to provide the annual audited statement results in withholding Local membership dues. This ultimately results in the loss of delegate status to UCTE Triennial Convention as per UCTE By-Law 9, Section 9 c). The National President has the authority to exercise discretion prior to removing delegate status to address extraordinary circumstances.

Where there is loss of delegate status to the UCTE Convention, there should be an automatic review to determine whether the Local should also be put into Trusteeship. The process to be followed is the same as above.