



# CONSTITUTION

of the

NEWFOUNDLAND AND LABRADOR ASSOCIATION OF  
PUBLIC AND PRIVATE EMPLOYEES

and

SAMPLE BY-LAWS  
FOR LOCALS

**BIENNIAL CONVENTION 2021**

## INDEX

<b>Article</b>	<b>Page</b>
1 (I) Name, Power and Location.....	1
2 (II) Objectives.....	1
3 (III) Membership.....	3
4 (IV) Governing Authority.....	11
5 (V) Convention.....	12
6 (VI) Officers.....	15
7 (VII) Meetings.....	21
8 (VIII) Executive Committee.....	22
9 (IX) Allowances.....	23
10 (X) Funds.....	23
11 (XI) Committees.....	25
12 (XII) Locals.....	28
13 (XIII) General Provisions.....	30
14 (XIV) Amendments.....	31
APPENDIX A Oath of Office.....	32
APPENDIX B Sample By-Laws.....	33

## ARTICLE I - NAME, POWER AND LOCATION

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| 1. | The name of the organization shall be the Newfoundland and Labrador Association of Public and Private Employees (NAPE), hereinafter referred to as the Union.  | <b>Name</b>           |
| 2. | (a) The Union shall have and possess exclusive jurisdiction over all the affairs of the Union and may enact Articles, rules and regulations for its own management and control and that of its Negotiating Components and Locals and to borrow, raise or secure the payment of money in such manner as the Union may think fit and generally to mortgage, charge, hypothecate or pledge all or any of the Union's property, both present and future. | <b>Powers</b>         |
|    | (b) Where a dispute arises over any interpretation of this Constitution between Biennial Conventions, the Office of the President of the Union will be deemed to have final interpretation.  | <b>Interpretation</b> |
| 3. | The Union may, from time to time, adopt such badge or emblem as may be decided upon, with power to vary the same.  | <b>Emblem</b>         |
| 4. | The business office and headquarters of the Union shall be located in the City of St. John's in the Province of Newfoundland and Labrador, specific location of which shall be determined by the Board of Directors.   | <b>Location</b>       |
| 5. | The Seal, impression whereof is stamped in the margin thereof, shall be the Corporate seal of the Union.   | <b>Seal</b>           |

## ARTICLE II - OBJECTIVES

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| 1. | The purpose of the Union shall be:   | <b>Purpose</b>                |
|    | (a) to promote, foster and protect the interests and well-being of the employees of:   |                               |
|    | (i) the Government of Newfoundland and Labrador and all agents of Her Majesty in Right of the Province;  | <b>Members-<br/>Employees</b> |
|    | (ii) all boards, corporations, commissions, or similar bodies (not being corporations or other bodies of authority managing privately owned hospitals) |                               |

where the salaries or wages of such employees are paid either entirely or in the main from monies voted from time to time by the Legislature;

- (iii) any Crown Corporation as defined by the Crown Corporations Local Taxation Act, RSNL 1990, c. C-40, as amended;
  - (iv) the Board of Commissioners of Public Utilities;
  - (v) the Workplace Health, Safety and Compensation Commission;
  - (vi) any hospital, whether privately owned or not, and any corporation or other body of authority managing any hospital, whether privately owned or not;
  - (vii) any municipal government organized and/or existing under or pursuant to laws of the Province of Newfoundland and Labrador;
  - (viii) any definable group or body of workers employed by any firm, corporation, partnership or individual performing work, or services on behalf of the Government of Newfoundland and Labrador or any of the authorities or agencies enumerated in paragraphs (i) to (vii) of this Section;
  - (ix) any definable group or body of workers employed by any firm, business, partnership, individual, public authority, or private institution engaged in any industry, service or commercial enterprise where a majority of such employees have indicated their desire to be represented by the Union for the purpose of collective bargaining.
- (b) to provide a medium for united action with respect to matters of common concern to the members as employees as referred to in paragraph (a) of this Article and as specifically defined and enumerated in paragraph 2 of Article III of this Constitution; **United action**
- (c) to act as a representative body of the members for the purpose of advancing the general welfare of the said members as employees and the conditions of their employment; to obtain status as exclusive bargaining **Representative Body**

representatives of employees to improve wages, hours and working conditions through negotiated collective bargaining agreements; to process grievances and enforce all other rights arising out of the collective bargaining relationship; to print, publish and circulate its papers, magazines and journals; to acquire, hold, lease and convey any real and personal property; to invest and reinvest its funds; to exercise all rights and privileges which may be necessary and convenient for the conduct of its affairs;

- (d) to promote quality and accessible public services; **Public service**
- (e) to affiliate, co-operate and make common effort with any organization when the best interests of the members are thereby thought to be served; **Affiliate**
- (f) to promote, organize or take part in any activity that is in the interest of the members and to rent, borrow or purchase facilities to meet those objectives; **Facilities**
- (g) to encourage, through charter locals, the establishment of educational, social, recreational and cultural programs and facilities for its members; **Programs**
- (h) to do such other lawful things as are incidental or conducive to the attainment of the above objects, which may best promote the morale, the material and intellectual interests of the members. **Members well-being**

2. In this Constitution, a person shall be employed or an employee if that person is laid off by an Employer referred to in Articles 2 and 3 and retains recall rights in respect to that Employer.

### **ARTICLE III - MEMBERSHIP**

- 1. Membership in the Union shall be classified as follows: **Types**
  - (a) active membership;
  - (b) associate membership;
  - (c) honorary membership.

2. Active membership shall consist of employees of:
- Active members**
- Employees of**
- (a) the Government of Newfoundland and Labrador and all agents of Her Majesty in Right of the Province of Newfoundland.
  - (b) all boards, corporations, commissions, or similar bodies (not being corporations or other bodies of authority managing privately owned hospitals) where the salaries or wages of such employees are paid, either entirely or in the main, from monies voted from time to time by the Legislature;
  - (c) any Crown Corporation as defined by the Crown Corporations Local Taxation Act, RSNL 1990, c. C-40, as amended;
  - (d) the Board of Commissioners of Public Utilities;
  - (e) the Workplace Health, Safety and Compensation Commission;
  - (f) any hospital, whether privately owned or not, and any corporation or other body of authority managing any hospital whether privately owned or not;
  - (g) any municipal government organized and/or existing under or pursuant to laws of the Province of Newfoundland and Labrador;
  - (h) any definable group or body of workers employed by any firm, corporation, partnership or individual performing work or services on behalf of the Government of Newfoundland and Labrador or any of the authorities or agencies enumerated in Paragraphs (i) to (vii) of Article II, Section 1 (a);
  - (i) the Newfoundland and Labrador Association of Public and Private Employees (NAPE);
  - (j) the National Union of Public and General Employees (NUPGE);
  - (k) full-time elected officers of NAPE; full-time elected officers of NUPGE;
  - (l) any definable group or body of workers employed by any firm, business, partnership, individual, public authority or

private institution engaged in any industry, service or commercial enterprise where a majority of such employees have indicated their desire to be represented by the Union for the purpose of collective bargaining.

3. (a) Associate membership shall consist of employees who have retired and who are members in good standing. **Associate Members**
- (b) Members referred to in 3 (a) above would be governed by the Constitution in the same manner as all Union members excluding running and voting for the positions of President and Secretary/ Treasurer. The retiree delegates to NAPE's Convention shall be a maximum of ten (10).

4. Honourary membership shall consist of individuals who have performed outstanding service to the Union. **Honourary Members**

The awarding of honourary membership shall be as follows:

- (a) Any member may nominate an individual for honourary membership by forwarding a written summary of Union service to the Board of Directors.
- (b) The Biennial Convention shall only consider honourary membership upon recommendation of the Board of Directors and shall decide honourary membership by majority vote.
5. (a) Honourary members shall be entitled to all benefits of the Union except the right to vote, to hold office and to become a delegate to a Convention of the Union. **Benefits**
- (b) Employees of the Union shall be entitled to all benefits including the right to hold the office of President of the Union and Secretary/Treasurer of the Union.
- (c) Except as provided in (b), employees of the Union shall not have the right to hold office on the Provincial Board of Directors.
6. (a) The admission of any applicant to membership in the Union (active or associate) shall be subject to the approval of the Executive Committee. **Admission**

- (b) (i) Notwithstanding Article III, 3 (b), should any member of the Board of Directors be excluded, resign, or retire from the Union's bargaining units, they must immediately leave their position on the Union's Board of Directors. **Excluded**
  - (ii) Following the Grievance and Arbitration Procedures, should any member of the Board of Directors be dismissed from their position by their Employer, they must immediately leave their position on the Board of Directors. **Dismissed**
- 7. Subject to 7 (a) of this Article, dues to the Union for active and associate membership shall be determined from time to time by the Biennial Convention on recommendation of the Board of Directors and such dues shall be payable by cheque, cash or payroll deduction. **Dues**
  - (a) In any year in which a Biennial Convention is not held, dues of the Union for active and associate members shall be determined by the Board of Directors and such dues increase will only be sufficient to meet the proposed budget for the ensuing year.
- 8. (a) Every member is guilty of an offense against the Constitution who: **Offense**
  - (i) violates any provision of this Constitution; **Provision**
  - (ii) obtains membership through fraudulent means or by misrepresentation; **Membership**
  - (iii) institutes, urges or advocates that a member of any Local should institute action in a Court of Law against the Newfoundland and Labrador Association of Public and Private Employees or against the Provincial Executive and Board or any of its Officers or against a Local or any of its members, in respect of any matter concerning the affairs of the Newfoundland and Labrador Association of Public and Private Employees or any of its Locals, without first exhausting all remedies through the forms of appeal provided in this Constitution; **Court action**



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| (iv) advocates or attempts to bring about the withdrawal from the Newfoundland and Labrador Association of Public and Private Employees or any Local or any member or group of members;  | <b>Withdrawal<br/>Membership</b>  |
| (v) publishes or circulates, either verbally or otherwise, among the membership false reports or misrepresentations concerning any member of the Newfoundland and Labrador Association of Public and Private Employees in respect to any matter connected with the affairs of the Newfoundland and Labrador Association of Public and Private Employees; | <b>False<br/>reports</b>          |
| (vi) works in the interest of any organization competing with the Newfoundland and Labrador Association of Public and Private Employees in a manner which is detrimental to the Newfoundland and Labrador Association of Public and Private Employees;   | <b>Competing<br/>organization</b> |
| (vii) fraudulently receives or misappropriates any property of the Newfoundland and Labrador Association of Public and Private Employees or any of its Locals;   |                                   |
| (viii) uses without proper authority the name of the Newfoundland and Labrador Association of Public and Private Employees, or of a Local for soliciting funds or advertising;   |                                   |
| (ix) without receiving proper authority to do so, furnishes a complete or partial list of the membership of the Newfoundland and Labrador Association of Public and Private Employees or of any Local to any person(s) other than those whose official position entitles them to have such a list;   | <b>Membership<br/>list</b>        |
| (x) wrongfully interferes with any Officer or any accredited representative of the Newfoundland and Labrador Association of Public and Private Employees in the discharge of their duties;   | <b>Interference</b>               |
| (xi) circulates reports designed or calculated to injure or weaken the Newfoundland and  | <b>Injurious<br/>reports</b>      |

Labrador Association of Public and Private Employees;

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| (xii)  | with a view to injuring the Newfoundland and Labrador Association of Public and Private Employees or a Local, or with a view to impeding the implementation of any policy, constitutionally formed, of either the Provincial Body or a Local, does any act contrary to the Constitution, or to the By-Laws of any chartered body or fails to do any act required of them by the said Constitution and By-Laws; | <b>Offenses -<br/>Constitution<br/>&amp; By-Laws</b> |
| (xiii) | refuses to respect a picket line during a legal Union strike.  | <b>Support -<br/>Legal strike</b>                    |
| (b)    | (i) There shall be a Discipline Committee consisting of five (5) members in good standing, not members of the Board of Directors, two (2) of whom to be appointed from the outgoing Committee to promote continuity from year to year. These five (5) to be appointed for a term of two (2) years by the Board of Directors at the first Board Meeting following the Biennial Convention;                      | <b>Committee<br/>members</b>                         |
|        | (ii) The Board of Directors shall be empowered to appoint such alternate or substitute members of the Discipline Committee as may be required from time to time where, for any reason, a member of the Discipline Committee cannot act.  | <b>Alternate or<br/>substitute<br/>members</b>       |
| (c)    | Subject, to Article III, 8. (h), the Discipline Committee shall be empowered to investigate and rule upon such written complaints of offenses against this Constitution as are received by it; provided, however, that no complaint may be investigated or ruled upon if it has not been received by the Discipline Committee within ninety (90) days of the date when the offense occurred.                   | <b>Powers</b>  |
| (d)    | The Discipline Committee shall establish its rules of procedures and its decisions on matters of procedure shall be final and not subject to appeal or review by a Court of Law or the Board of Directors.   | <b>Procedure</b>                                     |
| (e)    | The Discipline Committee shall, before finding upon any complaint, and after receiving all other evidence,   | <b>Heard<br/>evidence</b>                            |

afford any member, whose act is complained of, the opportunity of being heard and presenting evidence in respect of the complaint. A member shall be deemed to have had the opportunity of being heard and presenting evidence in respect of the complaint if they are given not less than seven (7) days' notice, in writing, of the time and place at which they may be heard, and present evidence together with a summary of the complaint and evidence against them. A member may be represented by counsel or any other person at such time.

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| (f) | (i)   | The Discipline Committee may reprimand, make an order for pre-estimated liquidated damages in consideration of the harm, damage and additional cost that their breach of the Constitution and By-Laws have caused the Association, fine, remove from office, suspend or expel any members who it rules has committed an offense against this Constitution. These orders may be assessed in any combination. | <b>Penalties</b>                |
|     | (ii)  | Where a member is found guilty of an offense contrary to subsection III 8 (a) (xiii) of this Constitution, they are liable to an order for pre-estimated liquidated damages in the amount of \$1,000.00 and, in the case of a continuing offense, to an order of pre-estimated liquidated damages in the amount of \$1,000.00 each day or part of a day during which the offense continues.                 |                                 |
|     | (iii) | Each day or part of a day that a member refuses to respect a picket line during a legal Union strike contrary to subsection III 8 (a) (xiii) constitutes a new and separate offense.  |                                 |
| (g) |       | The Discipline Committee shall deliver to the member its findings, in writing, but shall, in no event, be required to supply reasons for its findings.  | <b>Notification of findings</b> |
| (h) | (i)   | The finding of the Discipline Committee, except as hereinafter provided, shall be final and binding on the parties and not subject to review by a Court of Law. A member shall have the right to a review of the decision of the Discipline Committee by the Board of Directors by giving written notice of application for review to the Board   | <b>Appeal</b>                   |

of Directors not more than thirty (30) days after receiving the written finding of the Discipline Committee;

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| (ii)  | The Board of Directors shall have full power to amend, alter or vacate the decision of the Discipline Committee, but in no event, shall it exercise its authority hereunder unless it is satisfied that a substantial injustice has occurred;   | <b>Alter findings</b>           |
| (iii) | The Board of Directors shall conduct its review of the Discipline Committee's findings at such time, in such places and in such manner as it shall in its absolute discretion, deem just, including the requiring of a report from the Discipline Committee. The Board of Directors shall afford the member the opportunity of presenting argument either by themselves or through another in support of their application for review. A member shall be deemed to have had the opportunity of presenting argument in support of their application for review if they are given not less than seven (7) days' notice in writing of the time and place at which they may be heard; | <b>Review by Board</b>          |
| (iv)  | The decision of the Board of Directors shall be final and without review of appeal and not subject to review by a Court of Law, and in no event, shall the Board of Directors be required to give reasons.  | <b>Board's decision final</b>   |
| (i)   | Any notice of finding required to be given, or delivered, hereunder shall be deemed to have been posted by registered mail to:  | <b>Notice - Registered Mail</b> |
| (i)   | in the case of the Union, the Union Office in St. John's;   |                                 |
| (ii)  | in the case of a member, the last address of the member shown on the records of the Union.  |                                 |
| (j)   | The amount of pre-estimated liquidated damages or a fine referred to above shall constitute a legal debt and shall be fully enforceable by way of civil proceedings in the appropriate court of law.  | <b>Fine - Civil process</b>     |

**ARTICLE IV - GOVERNING AUTHORITY**

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| 1. | The Biennial Convention shall be the legitimate source of all authority in the Union, and the Union's final Court of Appeal.   | <b>Authority<br/>Biennial<br/>Convention</b>  |
| 2. | When the Union is not meeting in Biennial Convention, the Board of Directors shall be the governing body of the Union. The Board of Directors shall exercise a vigilant supervision over all matters which may affect the interest of the Union and endeavor to further any action decided upon by the Union meeting in Biennial Convention or such other action as it may deem advisable. | <b>Board -<br/>Governing<br/>body</b>         |
| 3. | (a) The Component Conventions shall exercise authority in the following areas:   | <b>Authority<br/>Component<br/>Convention</b> |
|    | (i) election of member(s) to the Board of Directors representing the negotiating Components;   |   |
|    | (ii) the election of Negotiating Teams;  |   |
|    | (iii) resolutions relevant to their respective negotiating Components;   |   |
|    | (iv) other matters specifically related to negotiating Collective Agreements, subject to the negotiating policy of the Union;  |   |
|    | (v) the election of delegate(s) and alternate(s) to affiliated organizations.  |   |
|    | (vi) Notwithstanding any of the above, where a Component consists of members covered by more than one (1) Collective Agreement, the election of Negotiating Teams and resolutions pertaining thereto shall be delegated to the members specifically covered by that Collective Agreement;  |   |
|    | (vii) The Board of Directors shall be empowered to call meetings of any bargaining unit and such meetings may be given the authority to:   |   |
|    | (i) elect Negotiating Committees;  |   |

- (ii) deal with resolutions to deal with negotiating Collective Agreements.
  - (b) The staff and facilities of the Union shall be used by the negotiating Components in conducting negotiations.
- Staff -  
conducting  
negotiations**

## **ARTICLE V - CONVENTION**

### **A. Biennial**

1. The regular Convention of the Union shall be held every two (2) years and shall be known as the Biennial Convention, which shall be a meeting of the Board of Directors and accredited delegates representing the Locals of the negotiating Components (hereinafter referred to as Locals) of the Union. Biennial Conventions shall be held in odd-numbered years.

**Date**
2. The Biennial Convention shall be held at a time and place to be decided by the Board of Directors.

**Time & place**
3. The President of each Local, or in their absence, the Vice-President shall be a delegate to the Biennial Convention if they so desire; additional delegates, if permitted by the following formula, will be elected in the manner outlined as per Article XII, 7.:

Locals with greater than one hundred (100) members shall be entitled to one (1) additional delegate for each one hundred (100) or fraction thereof. The membership in a Local shall be based on the highest census in the preceding twelve (12) months of the Biennial Convention, and whose dues have been paid and whose application cards have been received by Headquarters ninety (90) days preceding the Biennial Convention.
4. The Board of Directors may submit its own resolutions to a Biennial Convention.

**Board  
Resolutions**
5. The President of the Union, or in their absence, a member of the Executive shall preside at every Biennial Convention of the Union whether special or general, provided, however, that in the absence of the President of the Union and all other Executive members or upon

**President -  
Chairperson**

their refusal or failure to act, the Convention shall elect a Chairperson to preside thereat.

6. Members of the Union other than delegates may be present at any Biennial Convention. **Members**

**B. Component**

1. Regular Component Conventions of the Union shall be held within eighteen (18) months but not less than three (3) months before the Component's contract is due to expire. For Components that have more than one bargaining unit, Component Conventions shall be held within those time frames that the majority of Public Sector Components are to be held. Nothing in this Article prevents a bargaining unit, whose contract is about to expire, from meeting prior to a Component Convention, but the delegate formula will be consistent with a Component Convention. The President and Secretary/Treasurer shall be non voting delegates to all Component Conventions. **Date**

2. The Component Conventions shall be held at a time and place to be decided by members of the Board of Directors who are members of the respective Component and in conjunction with the Executive Committee. **Time & place**

3. The Board of Directors shall have the authority to divide the membership of the Union into negotiating Components and Locals. **Negotiating Components & Locals**

4. Delegates to Component Conventions shall be elected by members in the Locals at a duly constituted general meeting of the Local membership and elected in accordance with a formula prescribed by the Board of Directors. **Delegates**

5. The Chairperson of the Component Convention shall be elected by and from the voting delegates present. **Chairperson**

6. Resolutions to Component Conventions shall be submitted by Locals of that Component and by the Board of Directors. **Resolutions**

7. Members of a Negotiating Component, other than delegates, may be present at the Convention of their Component. **Members**

8. Special Component Conventions shall be called by the Executive Committee or Board of Directors at the request **Petition - Special**

	of thirty percent (30%) of the members of that Component.	<b>Component Convention</b>
<b>C.</b>	<b>Special</b>	
1.	The President of the Union upon written request of at least twenty percent (20%) of the membership of the Union or three-quarters (3/4) of the Board, shall convene a Special Convention of the Union, at any time, providing thirty (30) days' prior notice of the date, time and place of such Convention is given to the Board of Directors and to the Locals of the Union, and the said notice is given within thirty (30) days of receipt of the written request.	<b>Board Call Special Convention</b>
2.	In the case of a Special Convention, delegates thereto shall be elected by the Locals in accordance with Article V. A. 3.	<b>Delegates Special Convention</b>
3.	At a Special Convention of the Union, the only business which may be dealt with shall be that which has been announced in the notice calling the Convention, except with the consent of three-quarters (3/4) of the delegates present.	<b>Business Special Convention</b>
<b>D.</b>	<b>General</b>	
1.	The traveling and subsistence expense of delegates and members of the Board of Directors attending a Convention shall be in accordance with the Union's travel regulations.	<b>Traveling allowance</b>
2.	Fifty percent (50%) plus one (1) of the combined total of accredited delegates to Convention and the members of the Board of Directors shall constitute a quorum at Convention and no business shall be transacted at a Convention unless a quorum is present.	<b>Quorum</b>
3.	Members of the Union shall bring matters before a Convention for consideration by means of resolutions submitted to and approved by the Local of the Union to which they belong.	<b>Resolutions</b>
4.	All resolutions for submission to a Convention shall be delivered to the Headquarters of the Union at least sixty (60) days prior to Convention date. Late resolutions may be considered by a Convention by vote prior to the commencement of the regular business of a Convention.	<b>Resolutions Date of submission</b>
5.	Subject to Section 4, copies of all resolutions to be submitted to a Convention shall be forwarded to the appropriate Locals	<b>Resolutions Copies to</b>



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|     | of the Union at least thirty (30) days prior to the Convention date.  | <b>Locals</b>                          |
| 6.  | Unless otherwise required by the Constitution, every question shall be decided in a Convention by a straight majority vote of those present and entitled to vote.   | <b>Vote</b>                            |
| 7.  | The Chairperson, as a member of the Union, shall be entitled to vote on any question; in the case of a tie vote, the motion shall be deemed lost.   | <b>Chairperson<br/>Vote</b>            |
| 8.  | The Board of Directors shall give notice of the date for the regular Conventions, in writing, to each Local of the Union, at least one hundred and eighty (180) days prior to the Convention date.                            | <b>Notice of<br/>date</b>              |
| 9.  | No error or omission in the content of any notice calling a Convention shall affect the status of such Convention or invalidate anything done or passed thereat.  | <b>Content of<br/>notice</b>           |
| 10. | Except with the consent of the Chair, no member who is not a delegate or a member of the Board of Directors shall speak to or address a Convention.   | <b>Attendance<br/>at Convention</b>    |
| 11. | Only accredited delegates of the Locals and members of the Board of Directors shall be entitled to vote at a Convention.  | <b>Right to vote<br/>at Convention</b> |
| 12. | The staff of the Union may be permitted to attend any Convention of the Union with the approval of the President of the Union.  | <b>Staff services</b>                  |
| 13. | Each Local shall make out individual delegate credentials and shall mail or deliver the copy to be in the hands of the President of the Union at least sixty (60) days before the Convention which the delegate is to attend. | <b>Delegate<br/>Credentials</b>        |

## **ARTICLE VI - OFFICERS**

### **A. Board of Directors**

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| 1. | There shall be a Board of Directors which shall consist of:  | <b>Board</b>     |
|    | (a) Six (6) Executive members constituted as follows:<br>President of the Union, Secretary/Treasurer of the Union, Eastern Vice President, Central Vice President, Western Vice President and a General Vice President who shall be female and responsible for women's issues. | <b>Executive</b> |

The Area Vice Presidents shall be nominated from and by the delegates of the geographic area.

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|    | (b)  | Nine (9) Regional Board Members, nominated from and by the delegates from that geographic area.   | <b>Regional</b>                              |
|    | (c)  | Board Members elected by Negotiating Components   | <b>Component</b>                             |
|    | (d)  | Three (3) Area Board Members, who shall be female, nominated from and by the delegates from that geographic area.   | <b>Area</b>                                  |
|    | (e)  | The order of precedence of the Executive Vice Presidents, inclusive of the General Vice President, Eastern Vice President, Central Vice President, and Western Vice President, shall be determined by the Board of Directors at its first meeting after Convention.   | <b>Order of Precedence - Executive</b>       |
| 2. | (a)  | The President of the Union and the Secretary/Treasurer of the Union shall be elected at large by the total active membership.   | <b>Election - President &amp; Sec/Treas.</b> |
|    | (i)  | For the election of President and Secretary/Treasurer of NAPE, the candidate who receives a simple majority shall be the candidate deemed elected.  | <b>Simple Majority</b>                       |
|    | (ii) | All other rules and procedures for conducting the election of President and Secretary/Treasurer of the Union shall be determined by the Board of Directors.   | <b>Rules &amp; Procedures</b>                |
|    | (b)  | Members shall be notified through appropriate means as to the Notice of Election for the offices of the President and Secretary/Treasurer, along with access to a summary of the Rules and Procedures for such an election, twelve (12) weeks prior to the end of the term of office(s).  | <b>Notice of Election</b>                    |
|    |      | The election process determined by the Board of Directors shall allow sufficient time for the nomination of candidates, preparation of and the notification of voting by members. The total time for the nomination and election process shall not exceed sixty (60) days and shall be completed no later than thirty (30) days prior to the term of office concluding as per Article VI. 3. (a). | <b>Election Process</b>                      |
|    | (c)  | The General Vice President and their alternate shall be elected at large by the delegates at the Biennial   | <b>Election General Vice</b>                 |

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|     | Convention.  | <b>President</b>  |
| (d) | The three (3) Area Vice Presidents, three (3) Area Board Members and the nine (9) Regional Board Members and their alternates shall be elected by the delegates from their respective geographic area. All Area and Regional elections shall take place at the same time in the three (3) Area caucuses of delegates during the Biennial Convention. Each caucus will elect a delegate who is not running for an Area or Regional position to chair the election. The Board of Directors shall determine specific time during the Biennial Convention for Area and Regional elections. | <b>Election Area &amp; Regional Board Members</b>                           |
| 3.  | (a) (i) Subject to Article VI, A, Section 3. (a) (ii), the term of offices for the President and Secretary/Treasurer shall be for a three year term commencing on June 1 <sup>st</sup> and ending three years thereafter on May 31 <sup>st</sup> . The Biennial Convention shall continue to be held every two years in accordance with Article V, A, Section 1.   | <b>Term of office of President &amp; Sec/Treas.</b>                         |
|     | (ii) If the election of the President and/or the Secretary/Treasurer is not completed prior to June 1 <sup>st</sup> , the term of office for the respective Officer shall commence once the Chief Returning Officer has ruled the election process to be complete.   |   |
| (b) | The term of office for the General Vice President, the three (3) Area Vice Presidents, the three (3) Area Board Members and the nine (9) Regional Board members shall commence immediately after their election and shall serve until the next Biennial Convention or until their successors are elected.  | <b>Term of office of Vice Presidents, Area &amp; Regional Board members</b> |
| 4.  | Subject to Article III 5. (c), Board Members referred to in Section 1. (c) of this Article shall be elected at the regular Component Convention of their respective Components and shall serve until the next regular Component Convention or until their successors are elected. Board Members elected at the Component Conventions shall report back to the Component Convention at the next regular Convention, outlining their activities since they were elected.   | <b>Election - Component Board members</b>                                   |
| 5.  | The Regional Board Members and their alternates shall be elected from the Region and by the delegates of that Region   | <b>Election - Regional</b>  |

- at the Biennial Convention. The elected Board Members shall report back to the next Biennial Convention from which they were elected, outlining their activities. **Board members**
6. Board Members shall be elected by simple majority vote. **Simple Majority**
7. The General Service Component and the Hospital Support Staff Component shall be entitled to each elect two (2) members and their alternates of the Board of Directors. At least one (1) of the two (2) elected in each Component shall be female. All other Components shall be entitled to elect one (1) member of the Board of Directors. **GS, HSS Component Board members**
8. Locals may make nominations to the Board of Directors prior to any Convention. All such nominees shall signify, in writing, their intention to serve the Union if elected. Additional nominations shall be accepted from the floor of the Convention and those so nominated shall signify their intention to serve the Union prior to a vote being taken. **Nominations**
9. Subject to Article III, 3. (b), all nominees shall be active members in good standing of the Union. **Good Standing**
10. (a) (i) If, between Conventions, any office of the Executive Committee, except that of President or Secretary/Treasurer, becomes vacant, the alternate elected at NAPE's Convention shall fill the position. **Vacancy - Executive**
- (ii) This shall apply to any office except those of President and Secretary/Treasurer, which shall be filled by a general membership vote.
- (b) In all cases, other than Executive, alternates elected at Component and Biennial Conventions will automatically fill the relevant vacancy on the Board should the elected member resign for any reason. **Alternates**
11. (a) The Board of Directors shall authorize necessary budgetary expenditures for the hiring of full time and temporary staff positions as it may deem necessary to carry out the administration of the affairs of the Union. **Staff**
- (b) Once such authority has been provided, the President shall have the authority to hire, promote and dismiss staff subject to the terms and conditions of the **Staff selection**

Collective Agreement between NAPE and its staff.

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| 12. | Collective Agreements, deeds, transfers, licenses, contracts and all matters before the Labour Relations Board and engagements on behalf of the Union shall be signed by the authorized parties designated for the purpose by the Board of Directors from time to time, and the President of the Union shall affix the Seal of the Union to such instruments as require the same and which have been duly signed.  | <b>Signing power</b>                    |
| 13. | Each member of the Board of Directors shall be required to take the Oath of Office as prescribed in Appendix "A".  | <b>Oath of office</b>                   |
| 14. | The boundaries of the Regions referred to in Section 1 and Section 4 of this Article shall be determined by the Board of Directors.  | <b>Region boundaries</b>                |
| 15. | The Board of Directors shall be responsible for seeing that an adequate system of Local Officers and Shop Stewards is set up for each Local. The Board of Directors' obligations to the Locals shall include the following:<br><br>(a) conduct Biennial General elections of the Local;<br><br>(b) between Biennial Conventions, Local Officer training provided to each Area as per NAPE structure (Western, Central, Eastern);<br><br>(c) between Biennial Conventions, Shop Steward training provided to all untrained Shop Stewards;<br><br>(d) provide continuing support and guidance to the Locals to ensure compliance with the Constitution and policies of NAPE. | <b>Local Officers and Shop Stewards</b> |
| 16. | The Board of Directors may raise or borrow money for the purpose of the Union's Money operations and may secure the repayment of it by mortgage or charge on the undertaking and the whole or any part of the assets and property of the Union, present or future, and may issue Bonds, Debentures or any other security whatsoever whether the foregoing kind or not, either charged upon the whole or any part of the assets and property of the Union or not so charged and the guarantee of the indebtedness of any organization of like objects or related to the Union shall be deemed to be borrowing by the Union.   | <b>Raise or borrow money</b>            |

**B. Full Time Officers - President and Secretary/Treasurer**

1. The President of the Union shall be the Chief Executive and First Administrative Officer of the Union. **President**
2. The Secretary/Treasurer of the Union shall perform duties as assigned by the President of the Union and shall assume the duties of the President of the Union in their absence. **Duties of Sec/Treas.**
3. The President of the Union and Secretary/Treasurer of the Union shall be full time positions and shall receive such remuneration and other benefits as may be set by Convention at the time of their elections. **Benefits**
4. (a) In the event that the President takes a leave of absence for medical reasons, or for personal reasons approved by the Board of Directors, which is more than thirty (30) days, the Secretary/Treasurer shall perform the duties of the President until the President returns to Office. If the leave of absence is to be more than sixty (60) days or if after a thirty (30) day leave of absence, the President is unable to advise the Executive Committee that they will be returning to office within the next thirty (30) days, the Secretary/Treasurer shall call a meeting of the Board of Directors upon ten (10) days notice for the purpose of filling the vacancy during the extended leave from among the Board of Directors. Should the Secretary/Treasurer be unable to act in this matter, members of the Board of Directors shall jointly perform the duty of electing a person to fill the vacancy during the President's leave of absence. **Leave of absence of President**  
  
(b) In the event of a vacancy in the office of the President, as a result of the President's death, written confirmation of resignation or removal from office, the Secretary/Treasurer shall assume the Office of the President. Within fifteen (15) days of the date of their becoming aware of the vacancy, shall call a meeting of the Board of Directors upon ten (10) days' notice for the purpose of filling the vacancy in accordance with Article VI. A. 10 (a) (ii). **Vacancy in Office of President**
5. (a) In the event that the Secretary/Treasurer takes a leave of absence for medical reasons, or for personal reasons approved by the Board of Directors, which is more than thirty (30) days, the President and Board shall follow the procedure outlined in 4. (a) above. **Leave of absence Secretary/Treasurer**

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| (b) | In the event of a vacancy in the office of Secretary/<br>Treasurer as a result of the Secretary/Treasurer's death,<br>written confirmation of resignation or removal from Office,<br>the President and Board shall follow the procedure outlined<br>in 4. (b) above. | <b>Vacancy in<br/>office of<br/>Secretary/<br/>Treasurer</b> |
| 6.  | Other terms, references and conditions of employment shall be<br>set by the Board of Directors.  | <b>Conditions</b>  |

### **ARTICLE VII - MEETINGS**

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| 1. | The Board of Directors shall meet at least four (4) times annually<br>and at such times and places as the members thereof determine,<br>or as summoned by the President of the Union.  | <b>Board<br/>Meeting</b>   |
| 2. | (a) Special Meetings may be called by the President of the<br>Union.<br><br>(b) Special meetings of the Board of Directors shall be called<br>by the President of the Union if a notice in writing is given<br>to the President of the Union by not less than one-third or<br>more of the Board. Such a special meeting shall be held<br>not less than fourteen (14) days after receipt of said notice.<br><br>(c) The President of the Union shall send notice to all mem-<br>bers of the Board of Directors and only such business<br>may be transacted at the special meetings as is named<br>in the notice, except with the consent of three/quarters<br>(3/4) of the Board Members present. | <b>Board -<br/>Special<br/>Meetings</b><br><br><b>Business -<br/>Special<br/>Meeting</b> |
| 3. | Notice of any meeting of the Board of Directors shall be given by<br>letter, email or or telephone not less than seven (7) days before<br>such meeting, provided that no notice shall be necessary in the<br>case of a meeting held immediately upon the adjournment of a<br>Biennial Convention, and provided further, that meetings of the<br>Board may be held without further formal notice if all the members<br>are present or if those absent have signified their consent to such<br>meetings or their consent to the business transacted thereat.   | <b>Notice</b>  |
| 4. | No error or omission in the content of any notice calling a<br>meeting of the Board of Directors shall affect the status<br>of such meetings or invalidate anything done or passed thereat.  | <b>Notice -<br/>Invalidated</b>  |
| 5. | Fifty percent (50%) plus one (1) of existing Board Members<br>shall constitute a quorum and no business shall be transacted  | <b>Board -<br/>Quorum</b>  |

unless a quorum is present.

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| 6. | If a member of the Board of Directors fails to perform any of the duties assigned to them, the Board of Directors shall have the discretion to impose a penalty or have their position declared vacant.   | <b>Failure to perform duties</b> |
| 7. | The Chairperson of any meeting other than Convention shall be entitled to vote on any question; in the case of a tie vote, and the Chairperson has voted, the motion shall be deemed lost. In the case of a tie vote, and the Chairperson has not voted, a second vote shall be held and the Chairperson shall be required to vote. | <b>Chairperson</b>               |
| 8. | The Board of Directors shall keep a record of their meetings and actions thereof and a copy of these meetings and actions shall be made available to a NAPE member upon request.  | <b>Minutes of meetings</b>       |

### **ARTICLE VIII - EXECUTIVE COMMITTEE**

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|----|---|---------------------------------------|
| 1. | There shall be a Provincial Executive Committee (herein referred to as the Executive) consisting of the President of the Union, Secretary/Treasurer of the Union and Vice Presidents elected in accordance with Article VI.   | <b>Provincial Executive Committee</b> |
| 2. | The Executive Committee shall, in the interval between meetings of the Board of Directors, act on matters requiring urgent and special attention that are within the Union's policy and exercise such other powers of the Board as may be delegated to it by the Board.   | <b>Powers</b>                         |
| 3. | The Executive Committee shall meet at such times and places as the members thereof determine or as summoned by the President of the Union or when requested by a majority of the Committee. Meetings may be called on two (2) days' notice by letter, email or telephone, provided that meetings of the Committee may be held without formal notice if all members are present or if all give their consent to such meetings. A majority of members of the Executive Committee shall constitute a quorum. | <b>Meetings - Quorum</b>              |
| 4. | The Executive Committee shall keep a record of the meetings and actions thereof, and a copy of the minutes of every meeting shall be sent to each Board Member, and report submitted to the next Board of Directors' Meeting.   | <b>Record meetings</b>                |



### ARTICLE IX - ALLOWANCES

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| 1. | An allowance sufficient to provide for accommodations and meals, at a per diem rate to be determined from time to time by the Board of Directors, plus actual traveling expenses and such other allowances as are approved by the Board of Directors may be paid to any member of the Union or any employee of the Union when traveling for the purpose of carrying out the business of the Union.             | <b>Travel allowance</b>        |
| 2. | When a member of the Union or any employee of the Union uses their own vehicle while traveling on Union business, the Board may allow them a rate per mile for traveling expenses, which may be varied from time to time by the Board as conditions warrant, but damage to persons or property incurred to or by members of the Union or employees of the Union, shall not be the responsibility of the Union. | <b>Mileage Member</b>          |
| 3. | Regulations and amendments approved by the Board of Directors setting out the allowances and/or expenses payable under Section 1 of this Article, or Section 8 of Article X shall be subject to ratification by a majority vote at the Biennial Convention immediately following the date on which such regulations are approved by the Board.   | <b>Regulations/ amendments</b> |

### ARTICLE X - FUNDS

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| 1. | The Board of Directors shall:   |                     |
|    | (a) be trustees of all funds of the Union and of all other assets of the Union, and shall administer them in accordance with the Constitution of the Union;   | <b>Trustees</b>     |
|    | (b) arrange that all funds received by the Union shall, as soon as possible after receipts thereof, be deposited in a registered financial institution in the Province of Newfoundland and Labrador to the credit of the Union; | <b>Deposited</b>    |
|    | (c) invest any monies of the Union, not immediately required for any of its objects, in such manner as may from time to time be determined by the Board of Directors;   | <b>Invest funds</b> |
|    | (d) arrange that all bonds or other securities which are the property of the Union shall be kept in a safety deposit  | <b>Safekeeping</b>  |

box in a registered financial institution in the Province of Newfoundland and Labrador to be released only on the signature and personal appearance of the Secretary/Treasurer of the Union, together with one (1) other member of the Finance Committee;

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| (e) | ensure that proper books of accounts are kept and appoint qualified Auditors who shall make an annual audit of all the books of accounts and financial statements of the Union and submit a report therein to the Board of Directors;  | <b>Auditors</b>            |
| (f) | arrange the report of the annual audit of the books of accounts and financial statements be presented to the Biennial Convention immediately following the audit;  | <b>Audit reports</b>       |
| (g) | furnish to all Locals in the Union copies of the audited financial statements and the Auditor's report;  | <b>Copy to Locals</b>      |
| (h) | appoint the signing officers, one (1) of whom shall be the Union's Secretary/Treasurer, for withdrawal of funds of the Union and see that all Officers and all employees handling money are bonded.  | <b>Signing Officers</b>    |
| 2.  | The fiscal year of the Union shall end on March 31 in each year.   | <b>Fiscal year</b>         |
| 3.  | No payment or commitment for payment from Union funds shall be made unless provision for same has been made in the budget referred to in Article XI, Section 2. (a), or approved by the Board of Directors or specifically provided for by the acts of Convention.   | <b>Budget control</b>      |
| 4.  | Expenditures made from Union funds shall be only for the purpose of the Union, and in all cases shall be made by cheque signed by the Secretary/Treasurer of the Union and one (1) other authorized signing officer; however, a Petty Cash Fund may be authorized by the Board of Directors from which expenditures can be made. | <b>Expenditure control</b> |
| 5.  | The Union shall administer a Defense Fund in accordance with Section 8 of this Article.  | <b>Defense fund</b>        |
| 6.  | This fund shall be funded in the main by:  |                            |
| (a) | a per capita amount taken from the regular dues of the members;  |                            |

- (b) interest on the investment of the fund;
  - (c) contributions.
7. The per capita-amount referred to in Section 6 shall be determined by the Biennial Convention. **Per capita**
8. The Defense Fund shall be administered in accordance with regulations established by the Board of Directors. **Regulations**

### **ARTICLE XI - COMMITTEES**

1. The Board of Directors shall elect all Standing and Special Committees required for the general welfare of the Union. Committees shall consist of no more than five (5) voting members. Other non-voting members may be added on the recommendation of the Committee and approved by the Executive. Retiring Committees of the Union shall continue in office until disbanded by the Board of Directors or until their successors are elected. The President of the Union shall be an ex-officio member of all Committees. There will be equal representation from all parts of the Island and Labrador for all Committees within NAPE. **Election of Committees**
2. The Board of Directors shall elect the following Standing Committees which shall report to the Board as it deems necessary: **Standing Committees**
- (a) A Finance Committee, consisting of the Union's Secretary/Treasurer as Chairperson and four (4) other members, at least two (2) of whom shall be members of the Board of Directors. This Committee shall have the general supervision over all the financial transactions to authorize payment on behalf of the Union and for the Board of Directors of routine expenses incurred in the normal conduct of the affairs of the Union, provided that these expenditures do not exceed the budgetary provisions therefore. The Committee shall prepare a budget each year of the proposed revenue and expenditure for the ensuing year for consideration and approval of the Board of Directors for transmission to the Biennial Convention. In any year in which a Biennial Convention is not held, the budget shall be presented to the Board of Directors for consideration and approval. **Finance Committee Duties**

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| (b) | A Pension Committee, consisting of a Board member as Chairperson and such other members as the Board may elect. This Committee shall be responsible for making recommendations to the Board on all matters relating to pensions, which affect members of the Union.   | <b>Pension Committee Duties</b>              |
| (c) | A Legislation Committee, consisting of a Board Member as Chairperson, and such other members as the Board may elect. This Committee shall be responsible for: <ul style="list-style-type: none"><li>(i) examining existing or proposed legislation relating to labour relations, and other matters affecting the welfare of the Union;</li><li>ii) making recommendations for the revision of existing legislation pertaining to matters referred to above.</li></ul> | <b>Legislation Committee Duties</b>          |
| (d) | An Education Committee, consisting of a Board Member as Chairperson, two other members of the Board of Directors and such other members as the Board may elect. The Committee shall be responsible for the education of members on: <ul style="list-style-type: none"><li>(i) structure;</li><li>(ii) collective bargaining;</li><li>(iii) labour relations.</li></ul>  | <b>Education Committee Duties</b>            |
| (e) | A Health and Insurance Committee, the terms of reference which shall be contained in the Policy Manual of NAPE.   | <b>Health and Insurance Committee Duties</b> |
| (f) | A Women's Issues Committee, consisting of four (4) Board Members and one (1) rank and file member, which will be structured as follows:<br><br>General Vice President<br>Eastern Area Board Member<br>Central Area Board Member<br>Western Area Board Member<br>Rank and file member (selected by the Board of Directors)   | <b>Women's Issues Committee Duties</b>       |
|     | This Committee shall be responsible for providing the motivation necessary to get the female members of the Union actively involved in Union affairs.   |  |
| (g) | An Occupational Health and Safety and Environment Committee, consisting of at least one (1) Board   | <b>OHS and Environment</b>                   |

member and three (3) members as selected by the Board. This Committee shall be responsible for:

**Committee Duties**

- initiating an occupational health and safety and environmental education program for NAPE members;
- encouraging occupational health and safety and environmental working Committees in NAPE supported workplaces;
- establishing occupational health and safety and environmental language for contracts;
- providing occupational health and safety and environmental guidelines for NAPE offices;
- drafting a set of occupational health and safety and environmental principles for NAPE; and
- supporting the Board of Directors in taking public positions on occupational health and safety and environmental issues.

(h) A Constitution Committee consisting of a Board Member as Chairperson and such other members as the Board may elect. This Committee shall be responsible for:

**Constitution Committee Duties**

- (i) making recommendations to the Board on all constitutional matters;
- (ii) advising the Office of the President on the interpretation of the Constitution.

3. Other Standing Committees required for the general welfare of the Union may be appointed by the Board of Directors, and Special Committees may be appointed as occasions arise. The Chairperson of each Committee shall be from the Board of Directors; other members may be selected from the membership at large. These Committees shall be responsible in all respects to the Board and shall submit annual reports of their activities and such recommendations as they see fit to make to the Board or as the Board requires.

**Other Standing Committee Duties**

4. For the purpose of arranging matters of the Biennial Convention business, the Executive Committee may appoint temporary Committees for the consideration of such matters as steering, nominations, resolutions, ways and means, press relations, etc., subject to the approval of the Board of Directors.

**Biennial Convention Duties**

## ARTICLE XII - LOCALS

1. The Board of Directors may create a Local or may grant, to members who apply, a charter to form a Local. **Chartered Locals**
2. The Headquarters of a Local shall be at such a place as the Local may fix (subject to any territorial limitations imposed by the Board of Directors). The name of the Local shall be the Newfoundland and Labrador Association of Public and Private Employees, Local Number.... **Local Name Headquarters**
3. Officers of the Local may be President, Vice President, Secretary/Treasurer, or President, Vice President, Secretary and Treasurer, or such other Officers as are approved by the Board of Directors of the Union. **Officers**
4. A quorum at meetings shall be determined by each Local and shall be included in its by-laws. **Quorum**
5. Each Local may operate under its own By-Laws, provided that they shall not be inconsistent with the Constitution of the Union. The By-Laws of the individual Locals must be approved by the Board of Directors before adoption by the Locals (see Appendix B). **Local By-Laws**
6. A Local shall not make representation to the Government, a Minister or Deputy Minister without first obtaining permission from the Board. **Local representation to Employer**
7. The Biennial General meeting of a Local shall be held within the same calendar year, but not less than ninety (90) days prior to the Biennial Convention, and the following business shall be transacted: **Local Biennial Meeting**
  - (a) Local Officers' Reports;
  - (b) Treasurer's Report;
  - (c) Auditor's Report;
  - (d) Committee Chairperson's Reports;
  - (e) Election of Officers, Shop Stewards, and Committee members;
    - (i) Elected members shall serve until the next Biennial General meeting of the Local.
  - (f) Election of delegates to the Biennial Convention;

- (g) Nominations to the Board of Directors;
  - (h) Resolutions to the Biennial Convention.
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- 8. Each Local shall receive a portion of the annual dues to the Union, the amount shall be fixed from time to time by the Biennial Convention. These funds are considered the property of the Local and shall be sent to the Local on the first day of April of each year, providing they have submitted an audited financial statement for the previous year. **Portion of dues**
  - 9. At least sixty (60) days prior to the Biennial Convention the Secretary of each Local shall forward to the Headquarters a list of Officers, copies of Officers' annual reports, the Local Treasurer's report, a copy of the audited statements, list of delegate(s) to the Biennial Convention, list of nominations, if any, to the Board of Directors, and resolutions to the Biennial Convention. **Local reports**
  - 10. The Board of Directors may suspend and remove from office the Executive, or any member of the Executive of any Local at its discretion for non-activity or inconsistencies with the aims or Constitution of the Union, and such members shall be entitled to a fair and impartial hearing before the Board. The affairs, assets and liabilities of any Local whose Executive has been removed from office shall become the responsibility of the Board of Directors. **Remove from Office**
  - 11. The Union shall not be responsible for any debts incurred by a Local or any claims made against it unless the particular matter in respect of which the debt or claim arose has previously received the written approval of the Board of Directors. **Union not responsible for Local's Debts**
  - 12. A copy of the minutes of all meetings, immediately upon their adoption, shall be forwarded to the Office of the President of the Union. **Minutes of meeting**
  - 13. Should a Local send a delegate(s) to a Convention of an affiliated organization, the Local shall be financially responsible for the expenses of the delegate(s). **Additional delegates - Affiliated Organizations**
  - 14. The fiscal year of the Local shall end on December 31st. **Fiscal year of Local**
  - 15. In the event that a Local of the Newfoundland and Labrador Association of Public and Private Employees becomes inoperative and where there are Local funds deposited in a financial institution in the name of the Local, the Secretary/ Treasurer of the Newfoundland and Labrador Association **Inoperative Local**

of Public and Private Employees is constitutionally empowered to transfer such funds into the account of the Newfoundland and Labrador Association of Public and Private Employees.

### **ARTICLE XIII - GENERAL PROVISIONS**

#### **1. Affiliations**

The Union may only affiliate or disaffiliate with any organization as a result of a majority vote cast by a secret ballot at a duly constituted Convention other than a Component Convention.

**Affiliations,  
Secret Vote**

#### **2. Conduct of Meetings**

The rules of procedure governing meetings of the Union in Convention, meetings of the Board of Directors, and the Executive Committee shall be those contained in Bourinot's Rules of Order, except as otherwise provided in this Constitution.

**Bourinot's  
Rules of  
Order**

#### **3. Winding Up of the Union**

Every member of the Union undertakes to contribute to the assets of the Union in the event of same being wound up during the time that they are a member, or within one (1) year afterwards, for payment of the debts and liabilities of the Union contracted before the time at which they ceased to be a member, and of costs, charges, and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding one dollar (\$1.00), or in the case of their liability becoming unlimited, such other amount as may be required.

**Winding up**

If upon the winding up or dissolution of the Union, there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be paid to or distributed among the members of the Union, or may be given or transferred to some other institution(s) having objects similar to the objects of the Union, to be terminated by the members of the Union at or before the time of dissolution, or in default thereof by a Judge of the Supreme Court.

#### **4. In this Constitution the masculine shall be deemed to include the feminine and the plural indicate the singular and vice versa as the content may require.**



## ARTICLE XIV - AMENDMENTS

- |    |  |                                 |
|----|--|---------------------------------|
| 1. | Amendments to this Constitution shall be adopted by a two-thirds (2/3) majority vote by the Union meeting in Convention. The amendments shall come into full force and effect immediately upon adoption or as otherwise decided by Convention.   | <b>Effective Date</b>           |
| 2. | Notices of intended amendments shall be given in writing to the President of the Union at least sixty (60) days previous to the Convention at which the amendments are to be voted upon. Such notice shall set forth the Article and the section proposed to be amended, together with the proposed amendment. | <b>Notice of amendment</b>      |
| 3. | Copies of all proposed amendments to the Constitution shall be forwarded to the Locals and posted on the Union website at least thirty (30) days before the date of the Convention at which the amendments will be presented.  | <b>Amendments to Locals</b>     |
| 4. | Notwithstanding the above provisions of this Article, the Board of Directors shall be empowered to make accommodating amendments to Articles of the Constitution when a Biennial Convention amends an Article and inadvertently omits a necessary accommodating amendment to another Article.                  | <b>Accommodating Amendments</b> |

**APPENDIX A- OATH OF OFFICE**

Installation of the Provincial Board of Directors (or Local Officers).

I, \_\_\_\_\_ , promise that as an Officer of this Union to promote, foster and show loyalty and protect the interests of the Newfoundland and Labrador Association of Public and Private Employees for the ensuing term. I will perform the duties of my office to the best of my ability and at the close of my official term will return all property of this Union in my possession to the President of the Union (or Local).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## APPENDIX B

# SAMPLE BY-LAWS

### NEWFOUNDLAND AND LABRADOR ASSOCIATION OF PUBLIC AND PRIVATE EMPLOYEES

#### I. NAME

The body shall be known as Local Number \_\_\_\_\_ of Component Number \_\_\_\_\_ of the Newfoundland and Labrador Association of Public and Private Employees.

#### II. LOCATION

The Local shall be located at (town or building). The territorial limits of the Local shall be (geographic description).

#### III. OBJECTS

The purpose of the Local shall be:

- (a) to provide for effective liaison between the members of the Local and the Provincial Board of Directors and to educate members in the affairs of the Union as a whole;
- (b) to maintain and promote harmony between the Employer(s) and the Union;
- (c) to cooperate at all times in the maintaining of efficient Public Services
- (d) to unite the members of the Union for their mutual protection and improvement, socially, mentally, physically and economically;
- (e) to encourage and sponsor the establishment of educational, social, recreational and cultural programs;
- (f) to participate in the process of collective bargaining to the extent that Local delegates to Component Conventions are eligible to be elected to the Bargaining Teams.

#### IV. MEMBERSHIP

1. Membership in the Local shall be either confined to persons employed within the territorial limits of the Local or persons employed by a common Board or Agency who are eligible for membership in the Newfoundland and Labrador Association of Public and Private Employees and eligible also for membership in the respective Component and to those persons who have been awarded honorary membership.

2. Membership in the Local shall be classified as follows:
  - (a) Active Members;
  - (b) Associate Members;
  - (c) Honourary Members.
3. Active members shall consist of persons eligible for active membership in the Newfoundland and Labrador Association of Public and Private Employees.
4. Associate membership shall consist of persons eligible for associate membership in the Newfoundland and Labrador Association of Public and Private Employees. They shall be entitled to all benefits of the Union except those of voting and holding office.
5. Honourary membership shall consist of individuals who have performed outstanding service to the Local.
6. Associate and honourary members shall be entitled to all benefits of the Local except the right to vote, to hold office and to become a delegate to a Convention of the Union.
7. Members of the Local shall be subject to all regulations with respect to admission, conduct, payment of dues, expulsion, re-instatement and other such regulations as may be made by the Provincial Board of Directors or by the Union meeting in Convention.

## **V. ADMINISTRATION**

The affairs of the Local shall be administered by the Executive of the Local which shall be composed as follows:

- (a) President;
- (b) Vice President;
- (c) Secretary;
- (d) Treasurer (or combined Secretary/Treasurer).

N.B. If desired, additional Executive members may be elected.

2. The Executive shall be elected by the membership at the biennial general meeting and shall serve until the next biennial general meeting or until their successors are chosen. Members of the Executive shall be eligible for re-election.
3. If between biennial meetings the office of the President becomes vacant the Vice-President shall automatically become President.
4. Other vacancies on the Executive shall be filled by election at the next meeting of the Local and the members so elected shall serve until the next biennial meeting of

the Local.

5. If any member of the Executive and Local is absent from two consecutive meetings of the Executive and Local for reasons which the majority of the Executive and Local considers unsatisfactory, they shall cease to be a member and the position shall be filled as provided for in number four above.
6. The President shall be the Chief Executive Officer of the Local and shall exercise supervision over the affairs of the Local.
7. The President shall be one of the signing officers for cheques issued on behalf of the Local.
8. The President shall call meetings of the Executive and Local.
9. The President shall report on the administration of their office and on the affairs of the Local at the annual general meeting.
10. (a) The President shall be the ex-officio member of all Committees of the Local.  
(b) The President shall be the Chief Shop Steward in the Local, unless otherwise determined by the Local but must notify the Union of same.
11. The President shall carry out any other duties that are directed by the Executive or Local members.
12. The Vice President shall aid the President in their duties as Chief Executive Officer and act on their behalf when requested to do so by the President or in the absence of the President.
13. The Vice President shall perform duties and discharge responsibilities assigned to them by the President or the Executive.
14. The Secretary shall see to it that a list of Officers, copies of Officers' annual reports, the Local Treasurer's report, and a copy of the Auditor's report for the Local shall be in the hands of the President within thirty (30) days after the annual general meeting, and in the years when there is a Biennial Convention, at least sixty (60) days prior to said Convention.
15. The Secretary shall see to it that a list of delegates and alternates and proposed resolutions for respective Component Conventions are in the hands of the President at least sixty (60) days prior to said Convention.
16. The Secretary shall ensure that the minutes of the annual general meeting be read at the next general meeting of the Local.
17. The Secretary shall see to it that copy of the minutes of all meetings, immediately upon their adoption, shall be forwarded to the President within thirty (30) days of such meeting.

18. The Secretary shall be responsible for the keeping of an up-to-date list of members in the Local and should notify the Office of any change in that membership list.
19. The Secretary shall be responsible for keeping the minutes of the Local and the Executive meetings, the writing of correspondence and the keeping of records of the Local.
20. The Treasurer shall perform the duties as outlined in Article VII.
21. In a Local where the positions of Secretary and Treasurer are filled by one individual, then that person is responsible for carrying out the duties of Secretary and Treasurer.

## **VI. MEETINGS**

1. The Local shall hold at least four (4) general meetings per year. The first meeting held after January 1 st shall be the annual general meeting of the Local. In the years when there is a Biennial Convention, this meeting shall be held at least ninety (90) days prior to the Biennial Convention.
2. Other general meetings may be called by the President of the Local at any time. The President shall call a meeting within ten (10) days upon receipt of a request, in writing, of not less than \_\_\_\_\_ members of the said Local.
3. The quorum at Local meetings shall be \_\_\_\_\_ members.
4. The quorum at Local Executive Meetings shall be \_\_\_\_\_ (not less than 50%).
5. The Executive of the Local shall meet not less than four (4) times a year in addition to the general meetings outlined in number one.
6. The President, by the virtue of their office, shall normally preside at all meetings. In the event the President is unable to attend, then the Vice President shall be the presiding Officer.
7. At the annual general meeting, the following business shall be conducted:
  - (a) presentation of annual reports by Officers and Committee Chairpersons;
  - (b) election of Officers, Stewards and Committees shall be held at the biennial general meeting;
  - (c) election of delegates and alternates to Convention (N.B. odd numbered years);
  - (d) the approval of proposed resolutions to go to Convention (N.B. odd numbered years);
  - (e) any other business;

- (f) election of Negotiating Committee (contract year).
8. In the year in which there is a Component Convention, a general meeting shall be held at least sixty (60) days prior to said Convention to conduct the following business:
    - (a) election of delegate(s) and alternates to respective Component Convention;
    - (b) the approval of proposed resolutions relevant to respective Negotiating Component;
    - (c) any other business.
  9. An agenda for all general meetings shall be posted at least seven (7) days prior to the meeting in an area in which the members work, whenever possible.

## **VII. FINANCIAL**

1. The Treasurer shall be the Chief Financial Officer of the Local.
2. The Treasurer shall be in charge of books, documents, files, effects and monies of the Local which shall, at all convenient times, be subject to inspection of the Executive.
3. The Treasurer shall be responsible for the receipt and depositing of all monies of the Local and such monies shall be deposited in a registered financial institution.
4. The Treasurer shall report on the administration of their office at the Executive meetings and all general meetings and shall be responsible for the preparation of a financial statement of the Local for presentation at the annual general meeting.
5. The Treasurer shall arrange for the annual audit of the books of the Local at least thirty (30) days before the annual general meeting of the Local by a qualified Auditor appointed by the Local at a Local meeting. The audited accounts are to be in the hands of the Executive five (5) days before the annual general meeting.
6. All money paid out by the Treasurer shall be first passed by the Executive or the Local in meeting.
7. All cheques issued on behalf of the Local shall be signed by the Treasurer and President, or in the event of the absence or the disability of the President, the Vice President and the Treasurer.
8. The fiscal year of the Local should end on the last day of December in each year.
9. When an Executive Member ends their term of office, they will turn over all Union materials.

## **VIII. COMMITTEES**

1. The Local shall have at least four (4) Committees, namely:
  - (a) Shop Stewards;
  - (b) Sick Visiting and Social;
  - (c) Occupational Health and Safety;
  - (d) Labour Management.
2. The general duties of the Shop Steward Committee will be:
  - (a) to maintain and seek to increase membership in the Local;
  - (b) to investigate all complaints and try, where possible, to settle justly amicably all complaints;
  - (c) to report to the Provincial Board of Directors any complaints or matters which the Committee is unable to solve.
3. The general duties of the Sick Visiting and Social Committee will be to visit, where possible, members who may be ill at home or in hospital, or pay a courtesy visit to any member of another Local in the general area who might be ill and the duties of the Sick Visiting and the Social Committee will be to promote throughout the Local, social activities for the welfare of the members.
4. The general duties of the Occupational Health and Safety Committee will be to monitor health and safety problems in the workplace and to prepare a resolve to those problems.
5. The general duties of the Labour Management Committee are to meet and confer on matters of mutual interest which are not properly the subject matter of a grievance or negotiation.
6. All resolutions will be handled by the Executive.
7. Other Special or Standing Committees may be struck as deemed necessary.

## **IX. ELECTIONS**

1. Nominations for each member of the Executive shall be received from the Floor at the time of the election, provided that the person nominated indicates orally or in writing that they are prepared to accept nomination.
2. Voting in all elections shall be by secret ballot.



## **X. CONDUCT OF MEETING**

Bourinot's Rules of Order shall be followed at all meetings of the Local.

## **XI. AMENDMENTS**

1. Any proposed amendments to the By-Laws must be submitted to the Executive of the Local in time to be posted in an area in which they work for at least seven (7) days prior to being presented to a general meeting.
2. A motion of amendment must be passed by two-thirds (2/3) of the membership present. Amendments will come into effect when approved by the Board of Directors of the Union.

(N.B. This figure will automatically change to correspond with any change made in the Constitution of the Union).

3. A motion established in the minutes cannot be rescinded except where a notice of motion to rescind same is presented at the general meeting in advance of the motion, or with the consent of the mover and seconder of the motion to be rescinded.

## **NOTE OF IMPORTANCE**

It is generally understood that Locals have the right to add or delete any section or sections of By-Laws providing they do not conflict with the Constitution of the Newfoundland and Labrador Association of Public and Private Employees NOR policy of the Provincial Board of Directors of the Newfoundland and Labrador Association of Public and Private Employees.

It is further understood that the Executive Committee will be responsible for presenting By-Laws to the Provincial Board of Directors for a final decision.