

# Constitution of the Saskatoon Civic Middle Management Association

## Article 1: Name

1.01 This organization shall be known as the “Saskatoon Civic Middle Management Association”, and shall be hereafter referred to as “the Association.”

## Article 2: Jurisdiction

2.01 The Association shall be composed exclusively of persons employed by the City of Saskatoon.

2.02 No person, otherwise eligible for membership in the Association shall be discriminated against or denied membership by reason of race, creed, religion, colour, sex, marital status, disability, nationality, ancestry, place of origin or by reason of other grounds of discrimination prohibited by The Saskatchewan Human Rights Code. All members of the Association shall have equal rights and equal responsibilities.

## Article 3: Objectives

3.01 The Association is formed with the objective of uniting all workers so employed in order to advance and safeguard their economic and social welfare and to represent their interests in transactions between such as employees and their employer, the City of Saskatoon. To accomplish this objective, the Association pledges itself to achieve the following goals:

- a) Adequate wage standards and working conditions for its members;
- b) Reasonable assurance of certainty of employment for its members;
- c) Preservation of the rights of collective bargaining of its members in order to obtain and maintain Collective Bargaining Agreements;
- d) Regulation of relations between employees.

## Article 4: Officers

4.01 The Officers of the Association shall be the Past-President (ex-officio), President, the President Elect, the Secretary, the Treasurer, the Director Employee Services, the Director Pension Committee, the Director Labour Relations, and the Director Position Classification. Each Officer shall be a member in good standing of the Association. These Officers shall constitute the Executive Board.

4.02 All Officers shall commence their official duties as of the 1<sup>st</sup> day of November each calendar year and shall serve the following term:

- a) President: A one-year term, upon the election of the President-Elect.
- b) President-Elect: A one-year term, upon election for office annually.
- c) Past-President: A non-voting member of the Board.
- d) Secretary: A two-year term with an election for office during the even calendar years, or until their successors shall be duly elected and qualified to take office.

e) Treasurer: A two-year term with an election for office during the even calendar years, or until their successors shall be duly elected and qualified to take office.

f) Director Member Services: A two-year term with an election for office during the even calendar years, or until their successors shall be duly elected and qualified to take office.

g) Director Labour Relations: A two-year term with an election for office during the odd calendar years, or until their successors shall be duly elected and qualified to take office.

h) Director Pensions Benefits Committee: A two-year term with an election for office during the even calendar years, or until their successors shall be duly elected and qualified to take office.

i) Director of Position Classification: A two-year term with an election for office during the odd calendar years, or until their successors shall be duly elected and qualified to take office.

4.03 The duties of the Officers shall be as follows:

a) The President shall preside at all meetings of the Association. He or she shall enforce the provisions of this Constitution. He or she shall appoint all such Committees as the Executive Board may deem necessary or expedient for furthering the objectives of the Association, and shall be an ex-officio member of such Committees. He or she shall perform such other duties as the Association or the Executive Board may assign to him or her.

b) The President-Elect shall assist the President in the discharge of his or her duties and during his or her absence shall perform the duties of the President. In the event that a vacancy occurs in the office of the President, the President-Elect shall act as President for the unexpired term.

c) The Secretary shall keep correct Minutes of all meetings of the Association and the Executive Board. He or she shall conduct all correspondence in accordance with instructions given to him or her by the President and Executive Board. He or she shall furnish such information as may be deemed necessary relating to the functions of the Association. He or she shall perform such other duties as are prescribed by this Constitution and by the President and Executive Board.

d) The Treasurer shall receive all monies paid into the Association and give official receipts for all monies received. He or she shall make such detailed Financial Reports as the President or Executive Board shall, from time to time, require. He or she shall keep regular books and records of the Association finances and shall submit the same for inspection and audit at the end of each quarter. He or she shall deposit all monies received in the name of the Association in such financial institutions as the Executive Board may direct. He or she shall keep a complete and active list of members of the Association in good standing.

e) The Director Member Services is responsible for the planning, delivery, and evaluation of Association sponsored programs and services (e.g. EFAP, Wellness, Social committee). He or she serves as a liaison between the City, other unions, and the Association regarding joint programs and services. He or she recruits Association members to participate on other committees as required.

f) The Director of Labour Relations coordinates the efforts of the Association in matters that pertain to the Labour Relations Board and jurisdictional issues between the City and other unions. He or she advises the Executive Board and Association members on matters relating to employee rights and responsibilities outline in the Labour Standards Act and Regulations. He or she coordinates the efforts of

the Association in matters that pertain to contract negotiations and related issues. He or she will advise the Executive Board and Association members on matters relating to the interpretation of the Collective Agreement.

g) The Director Pension Benefits Committee shall represent the Association at the City of Saskatoon Pension Benefit Committee. He or she will review benefits available arising out of Plan surpluses and to recommend benefit improvements to the Board and membership. He or she brings forward to the Board any recommendations for plan improvements not arising out of Plan surpluses made to the City and the employee organizations as subjects to be dealt with as part of the collective bargaining process. He or she attends the Quarterly meeting of the Board of Trustees – General Superannuation Plan and reports to the Board.

h) Director of Position Classification is responsible to coordinate the efforts of the Association in matters that pertain to the Job Classification process. He or she will assist members to prepare their presentation to the Classification Committee and take forward a request for appeal, as required. He or she will recruit members to represent the Association at the Classification Committee meetings. He or she serves as liason.

i) The Past-President shall be a non-voting ex-officio officer. He or she shall assist the Executive Board in a consultative capacity and perform such other duties as the Association or the Executive Board may assign to him or her.

4.04 In the event of a vacancy occurring in any office through the permanent absence or incapacity of the incumbent thereof, the President shall appoint a temporary Officer to fill the vacancy until such time as a special election can be held in accordance with the procedure detailed in Article 7 hereof.

4.05 Orders for withdrawal of funds must be signed by two Officers, one of whom shall be either of the President or the Treasurer.

4.06 The Association may elect such other or additional Officers as it may deem necessary for the proper conduct of its business. The members of the Association may also elect one or more business agents or organizers or similar officials.

4.07 A majority of the Officers shall constitute quorum for any meeting of the Executive Board.

4.08 The Executive Board shall meet at least once every two months throughout the calendar year and between meetings of the Association, it shall exercise the powers of the Association.

4.09 The salaries of paid Officers or paid officials of the Association shall be fixed by the membership at the meeting at which such paid Officers or paid officials are to be elected. Thereafter, such salary shall not be increased during the terms of their office, except by a special meeting of the membership called for such purpose.

4.10 The founding executive of the Association shall be elected at the founding meeting of the Association and shall hold office until they are replaced in accordance with the Constitution. The founding executive shall exercise all the posers conferred upon the Executive Board and the founding President, Vice-President, Secretary and Treasurer shall exercise all the powers conferred upon the President, Vice-President, Secretary and Treasurer, respectively.

## Article 5: Membership

5.01 Any person employed as set forth in Article 2 hereof shall be eligible for membership in the Association, save and except for such employee who are:

a) employed in a capacity which would require them to perform duties inconsistent with the objectives of the Association; or

b) employed in a position where their primary responsibility is actually to exercise authority and actually perform functions that are of a managerial character; or

c) employed in a position where he or she is acting on behalf of management in a confidential capacity in respect of the industrial relations of the employer.

5.02 Applicants for membership shall complete the form provided for that purpose, and shall answer all relevant questions, and sign a pledge to abide by all laws, rules and regulations of the Association.

5.03 An applicant for membership shall be deemed a member in good standing of the Association upon completion of the form of application Annexed to this Constitution and marked as Exhibit "A" and upon payment in full of an initiation fee in the amount of \$5.00. Thereafter the applicant shall be entitled to the rights and privileges of membership in the Association so long as he or she continues as a member in good standing.

Notwithstanding anything to the contrary herein, any qualified person as set forth in Article 5.01 who attends the founding meeting of the Association shall be conclusively deemed to be a member in good standing of the Association for the purpose of that meeting with full power and authority to do and perform all acts and things that a member in good standing could do at such meeting and shall be entitled to all the rights and privileges of membership at such meeting.

5.04 Members shall pay dues as and when required and shall promptly pay all assessments. Any member who shall be two (2) months in arrears in the payment of dues, assessments or other payments required to be paid shall cease to be in good standing and shall automatically be suspended from all rights and privileges of membership. The Executive Board may make suitable provisions for the exoneration of dues, assessments and other payments required to be made.

5.05 Members are expected to attend all meetings of the Association if reasonably possible.

5.06 All members are subject to the orders, rulings and decisions of the Association and its Officers.

5.07 Subject to the provisions of Article 9 hereof, the Association is irrevocably and exclusively designated to represent each member for the purpose of collective bargaining with the employer in respect to rates of pay, wages, hours of employment, and for the negotiation, execution, revision and termination of contracts and agreements with his or her employer covering all such matters.

5.08 The Association is irrevocably and exclusively designated, authorized and empowered by each member to appear and act for him or her and on his or her behalf before any Board Court, Committee or other tribunal in any matter affecting his or her status as an employee or as a member of the Association and exclusively to act as his or her agent to represent, or bind him or her in the presentation, prosecution, adjustment or settlement of all grievances, complaints, disputes or any kind

or character arising out of the employer and employee relationship; in the same manner and for the same purposes as the employee himself or herself could act.

5.09 Any member of the Association who has withdrawn his or her membership or has otherwise ceased to be a member may be reinstated to membership upon payment by the member of all arrears and dues and assessments from the date of his or her withdrawal, or as otherwise decided by the Executive Board and shall thereupon be reinstated to his or her previous standing in membership, provided however, that if more than two (2) years has lapsed since the date of withdrawal, the member can be re-admitted only as a new member.

5.10 Members who are duly suspended or expelled by the Association for any cause whatsoever may be reinstated to membership by the Executive Board upon fulfillment of such terms and conditions as may be ordered by the Association at the time of his or her expulsion.

#### Article 6: Revenue

6.01 The revenue of the Association shall be derived from initiation fees, membership dues, assessments, reinstatement fees, fines and income from bank deposits and investments such as government bonds or other legal investments.

6.02 Initiation fees for the Association shall be \$5.00 or such other amount as may be fixed from time to time by the Executive Board or at any Association meeting.

6.03 Members of the Association shall pay minimum dues in such amounts as may be determined from time to time by the Executive Board or by a meeting of the Association. The Executive Board of the Association shall fix such dues at such amount as will enable the Association to meet its obligations and to function effectively in carrying out the objectives of this Constitution.

6.04 All Officers and persons having custody or control of the funds or property of the Association shall, if so required by the Executive Board or by a general meeting, give a bond of reliable surety company in the form approved and in the amount fixed by the Executive Board. All Officers of the Association shall deliver to their successors all funds and property in their possession received by them from their predecessors, and they shall not be released from their bonds until they have fully accounted for and delivered such funds and property of the Association and anyone who retains for his or her own use or fails to deliver to his or her successors any funds or property of the Association shall be expelled from the Association.

#### Article 7: Meetings

7.01 The Association shall hold at least one (1) meeting during the calendar year which shall be held between the 1<sup>st</sup> day of October and the 31<sup>st</sup> day of October in each year, which shall be the annual meeting and at which the election of Officers shall take place and for the receiving of reports for the previous calendar year and the transacting of such other business as may be brought before the meeting.

7.02 Any member in good standing of the Association may be nominated to hold any office in the Association.

7.03 Election of Officers shall be by secret ballot and shall require a majority vote of those present and eligible to vote and actually voting at the meeting.

7.04 Twenty five (25) of the members in good standing of the Association shall constitute a quorum of any meeting of the association.

7.05 An extraordinary meeting of the Association may be called by the President or any five (5) members in good standing by notifying the Secretary in writing of the desire for such meeting and the purpose or purposes thereof.

7.06 The Executive Board shall determine the date of the annual meeting in accordance with Article 7.01 and the date of any extraordinary meeting under Article 7.05.

7.07 Not less than three (3) days notice of an annual meeting shall be given by the Secretary, or by his or her nominee, to each member of the Association by ordinary mail, by telephone and/or by notice posted in a conspicuous place at the employer's business premises. Where notice is given by ordinary mail the notice shall be deemed to have been properly given if mailed as aforesaid to the last address of the members appearing on the records of the Association not less than three (3) days prior to the date of such meeting.

#### Article 8: Discipline

8.01 Members may be expelled, suspended, fined or otherwise disciplined for violation of any of the provisions of this Constitution or for any other conduct detrimental to the best interests of the Association and its membership.

8.02 Before any member may be disciplined, written charges shall be filed with the Secretary, who shall thereupon promptly transmit a copy to the member accused at his or her last known address, together with written notices of the time and place of the hearing thereon, which shall be held not less than five (5) days after the date of the notice.

8.03 Hearings shall be held before a quorum of the Executive Board. The member accused shall have the right to appear at such hearings, produce and cross-examine witnesses and to be represented by any person of his or her choice for that purpose.

8.04 In the event that the Executive Board shall convict the member of any charges, the member shall have the right to appeal therefrom to the membership of the Association at an extraordinary meeting held for that purpose, provided that the member serves upon the Secretary notice in writing of his or her intention to appeal, on or before the thirtieth day following such conviction of the member by the Executive Board.

8.05 The decision of the membership of the Association shall be final and binding and there shall be no right to review such decision.

#### Article 9: Collective Bargaining

9.01 The right to bargain collectively for the whole membership of the Association shall lie with the negotiating committee, which shall be appointed by the Executive Board. The result of negotiations and the agreement shall be subject to ratification by secret ballot vote by the Association or by the members affected thereby.

9.02 If ratified by a majority vote of those affected by the negotiations and who actually cast ballots on a ratification vote, the contract or agreement shall be drafted and signed by the proper Officers of the Association and thereupon it shall be binding upon all member in good standing affected thereby.

9.03 No member or members shall negotiate or confer with the employer or its agents, without due authority from the Executive Board, on matters pertaining to wages, hours or working conditions.

#### Article 10: Strikes

10.1 A strike, study session or decision to work-to-rule may be called by the Executive Board, provided that the majority of members to be affected thereby have voted approval thereof by secret ballot at a meeting called for that purpose, notice of which meeting shall have been given at least three (3) days before the date of the said meeting.

10.02 Any proposal to settle or terminate an existing strike, study session or decision to work-to-rule shall be decided by a majority of the members affected thereby who shall vote on such proposal by secret ballot at a meeting called for that purpose, notice of which meeting shall have been given at least three (3) days before the date of said meeting.

Notwithstanding the above the Executive Board may request members to return to work pending the outcome of the vote as described herein.

#### Article 11: Arbitration

11.01 Notwithstanding Article 9 and 10, the terms and provisions of a collective bargaining agreement may be determined by arbitration between the Association and the employer, provided that the terms of any such agreement to arbitrate have been ratified by the Executive Board, and by a majority vote of those members affected thereby who are present and actually cast votes at a meeting called for that purpose, notice of which meeting shall have been given at least one (1) day before the date of the said meeting.

#### Article 12: By-laws

12.01 By-laws for the government of the Association, not inconsistent with the Constitution, may be enacted and may be amended from time to time at a meeting of the Association by a majority vote of the members present.

#### Article 13: Amendments

13.01 This Constitution may be amended at any meeting of the Association by a majority vote of those present at a meeting who are eligible to vote and who actually cast votes at such a meeting.

13.02 Notice of intention to amend the Constitution of the Association shall be given at least three (3) days prior to the meeting called for that purpose.

#### Article 14: Effective Date

14.01 The Constitution shall be effective upon the adoption thereof by a majority of those attending the meeting founding this organization held at Saskatoon, Saskatchewan, on the 30<sup>th</sup> day of March, A.D. 1996.