

**By-Laws
of the
Waterloo Ontario English Catholic Teachers' Association
Elementary Teachers' Branch Affiliate**

Approved on Nov 14, 2011 at the Annual General Meeting

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1. By-Laws

1.1 General

- 1.1.1 The name of the Branch Affiliate shall be the Waterloo Ontario English Catholic Teachers' Association Elementary Teacher Branch Affiliate hereinafter known as the Branch Affiliate.
- 1.1.2 The definition of the Branch Affiliate shall be as defined in the Association Handbook By-laws (bargaining units).
- 1.1.3 The Branch Affiliates shall fulfill the obligations and responsibilities related to negotiations as per the Ontario Labour Relations Act and the interpretation thereof.
- 1.1.4 The Branch Affiliates shall fulfill their terms as written herein.
- 1.1.5 The Branch Affiliate membership shall include teachers in the elementary panel of the Waterloo Catholic District School Board.
- 1.1.6 Elementary Branch Affiliate (EBA) shall mean the internal organization representing members of the Elementary Panel of the Branch Affiliate.
- 1.1.7 Members are entitled to rights and privileges as outlined in these by-laws, the by-laws of the Waterloo Ontario English Catholic Teachers Unit, and the constitution and by-laws of the Ontario English Catholic Teachers Association.
- 1.1.8 Robert's Rules of Order shall be used at all Branch Affiliate meetings where they are not inconsistent with the Association Handbook and Branch Affiliate bylaws, or any special rules of order the Branch Affiliate may adopt.
- 1.1.9 The Branch Affiliate by-laws must be consistent with the Association Handbook and cannot contravene its constitution, by-laws, procedures or policies.

1.2 Branch Affiliate Organization

1.2.1 Branch Affiliate Executive

- 1.2.1.1 The executive of the Branch Affiliate shall consist of a CEO, Assistant CEO, secretary, treasurer and up to two councilors .
- 1.2.1.2 Terms of Office of the Executive:
 - 1.2.1.2.1 Chief Executive Officer two years
 - 1.2.1.2.2 Assistant Chief Executive Officer one year

- 1.2.1.2.3 Recording Secretary one year
- 1.2.1.2.4 Councilors(s) to Branch Affiliate Executive one year
- 1.2.1.2.5 Treasurer two years
- 1.2.1.3 The various terms of office shall commence on July 1st and conclude on June 30th of that term. In the case of appointed positions, the terms of office shall commence at the time of appointment and conclude on June 30th, next.

1.2.2 Duties of the Branch Affiliate Executive

- 1.2.2.1 The duties of the Branch Affiliate executive shall be as defined in the Association Handbook By-laws (unit executive duties):
 - 1.2.2.1.1 to hold general meetings each year as required and to set the agenda for such;
 - 1.2.2.1.2 to hold executive meetings prior to each general meeting each year and as required;
 - 1.2.2.1.3 to appoint committees, members and chairpersons at the first executive meeting after taking office, whenever possible;
 - 1.2.2.1.4 to appoint a grievance officer;
 - 1.2.2.1.5 to name a representative at school board meetings whenever it is deemed necessary, who reports to the executive;
 - 1.2.2.1.6 to receive committee reports and take whatever action it deems necessary;
 - 1.2.2.1.7 to notify the school board of the results of the ratification vote;
 - 1.2.2.1.8 to censure any executive member who fails to attend 4 consecutive meetings;
 - 1.2.2.1.9 to manage the affairs and business of the Branch Affiliate;
 - 1.2.2.1.10 to receive and consider reports of alleged unfairness on the part of the Board or its agents;
 - 1.2.2.1.11 to receive reports on grievances which, in the opinion of the grievor, have not been resolved prior to arbitration;
 - 1.2.2.1.12 through the Unit, to advertise and subsequently appoint positions on the Branch Affiliate Executive, Branch Affiliate Collective Bargaining Committee(CBC) and such other committees and/or Branch Affiliate Officers as required by the mandate of the Branch Affiliate;

- 1.2.2.1.13 to monitor all aspects regarding the development, implementation and maintenance of the Branch Affiliate Collective Agreement.
- 1.2.2.1.14 The Branch Affiliate Executive may:
 - 1.2.2.1.14.1 establish a sub-committee of its own members to investigate, discuss and form recommendations on any matter relevant to the performance of its duties or the ongoing business of the Branch Affiliate. When forming such a sub-committee or task force, the Executive shall set terms of reference and time lines for completion;
 - 1.2.2.1.14.2 call for reports from the Branch Affiliate Grievance Officer, CBC, other sub-committees established by the Branch Affiliate Executive;
 - 1.2.2.1.14.3 request such reports from such Unit Committees or Officers affecting the operation of the Branch Affiliate;
 - 1.2.2.1.14.4 recommend action to be taken by the Branch Affiliate Grievance Officer, CBC or any other Ad Hoc Committee established by the Branch Affiliate Executive;
 - 1.2.2.1.14.5 call for minutes from the Branch Affiliate Grievance Officer, CBC, or any other sub-committee or task force established by the Branch Affiliate Executive;
 - 1.2.2.1.14.6 recommend action to the Branch Affiliate members on any issue within its mandate;
 - 1.2.2.1.14.7 seek the advice and counsel of an appropriate member of the Provincial Staff on situations pertaining to the mandate of the Branch Affiliate;
 - 1.2.2.1.14.8 discuss any matter that is specifically related to negotiations and/or the Collective Agreement that may be in progress;
 - 1.2.2.1.14.9 survey and/or poll the Executive Council members representing Branch Affiliate members regarding matters pertaining to the business of the Branch Affiliate.

1.2.3 Duties of Branch Affiliate Executive Officers

- 1.2.3.1 CEO
 - 1.2.3.1.1 to be the official spokesperson for all collective bargaining matters;
 - 1.2.3.1.2 to set the agenda for executive meetings;
 - 1.2.3.1.3 to chair executive meetings;
 - 1.2.3.1.4 to only vote in the event of a tie; if the CEO chooses to not vote, the motion is lost;

- 1.2.3.1.5 in the case where the CEO is a member of the opposite panel as the unit President the CEO shall also be a representative to the council of Presidents;
- 1.2.3.1.6 promote the interest of the Branch Affiliate;
- 1.2.3.1.7 call meetings of the Branch Affiliate Executive or Branch Affiliate members and direct the planning of programs with the assistance of the appropriate Officers and/or Committees;
- 1.2.3.1.8 establish the agenda for the Executive meetings and preside thereat;
- 1.2.3.1.9 recommend to the Branch Affiliate members any course of action deemed appropriate;
- 1.2.3.1.10 act as liaison between Branch Affiliate, ETO and Executive Council;
- 1.2.3.1.11 be responsible for the organization and conduct of Branch Affiliate General and Membership Meetings;
- 1.2.3.1.12 act as liaison with the Branch Affiliate Grievance Officer;
- 1.2.3.1.13 have the right to be a standing member of the Branch Affiliate CBC Unit Collective Bargaining Committee when joint negotiations are taking place;
- 1.2.3.1.14 be an ex-officio member of all respective Branch Affiliate committees and the Unit Finance Committee;
- 1.2.3.1.15 be a member appointed to the ETO, as the Vice President Elementary, where permitted under Unit by-laws;
- 1.2.3.1.16 attend, as an observer or voting member, all Council of Presidents Meetings or ensure that a designate is appointed.
- 1.2.3.2 Assistant CEO:
 - 1.2.3.2.1 substitute for the CEO when the CEO is absent;
 - 1.2.3.2.2 assist the CEO in all local matters.
 - 1.2.3.2.3 act in place of the Chief Executive Officer as warranted;
 - 1.2.3.2.4 advise and counsel the Chief Executive Officer;
 - 1.2.3.2.5 assist in all matters with the scope of the Branch Affiliate mandate;
 - 1.2.3.2.6 be a member appointed to Executive Council.
- 1.2.3.3 Secretary

- 1.2.3.3.1 take the minutes of Branch Affiliate meetings, noting especially motions carried, with mover and seconder;
- 1.2.3.3.2 send to the Unit President, a copy of notices and minutes of Branch Affiliate meetings;
- 1.2.3.3.3 record and file with the Unit all minutes of the Branch Affiliate Executive and Branch Affiliate General and Membership Meetings;
- 1.2.3.3.4 act as liaison with the Recording Secretary of the Unit;
- 1.2.3.3.5 be responsible for the collating and indexing of all motions passed by the Branch Affiliate;
- 1.2.3.3.6 be a member appointed to Executive Council.

1.2.3.4 Councillors

- 1.2.3.4.1 assist the executive in its duties;
- 1.2.3.4.2 be a member appointed to the ETO, as the Councillor Elementary, where permitted under Unit by-laws.

1.2.4 Branch Affiliate General Meetings

- 1.2.4.1 Notice of meeting and the major agenda items shall be sent to the membership at least ten (10) days prior to the meeting date, except in the case of ratification or emergency meetings.
- 1.2.4.2 When the meeting has been called to order, the chairperson shall announce the number of members present. A quorum shall continue until the number of members present is less than 66% per cent of the announced number.
- 1.2.4.3 The executive may appoint a steering committee and a speaker for all general meetings. The duty of such a committee shall be to assist the speaker in bringing forward motions and new business.
- 1.2.4.4 At least one (1) Branch Affiliate general meeting shall be held annually for the election of the Branch Affiliate executive.
- 1.2.4.5 Two (2) other Branch Affiliate general meetings may be held annually to:
 - 1.2.4.5.1 endorse bargaining objectives and reports from the collective bargaining and grievance committees;
 - 1.2.4.5.2 ratify a tentative agreement with direction from the provincial collective bargaining field representative;

1.2.4.5.3 conduct elections for Branch Affiliate Executive Officers in conjunction with the Unit Annual General Meeting or at a Branch Affiliate General Meeting;

1.2.4.5.4 receive reports from Committees of the Branch Affiliate, question those reports, debate motions and conduct the business of the Branch Affiliate.

1.2.5 Branch Affiliate Membership Meetings

1.2.5.1 The Branch Affiliate shall:

1.2.5.1.1 hold an Endorsation Meeting, for the purpose of approving items to be negotiated, prior to the commencement of negotiations for a new Branch Affiliate Collective Agreement;

1.2.5.1.2 hold meetings for the purpose of discussing matters related to the Branch Affiliate Collective Agreement;

1.2.5.1.3 hold a Ratification Meeting subsequent to the completion of negotiations for the purpose of approving a Branch Affiliate Collective Agreement;

1.2.5.1.4 conduct voting pertaining to the Collective Agreement in the schools, if so decided at a prior meeting of the Branch Affiliate Executive;

1.2.5.1.5 hold meetings deemed necessary by the members or the Branch Affiliate Executive;

1.2.5.1.6 receive reports from the Branch Affiliate Collective Bargaining Committee.

1.2.5.1.7 Frequency of Branch Affiliate Executive Meetings

1.2.5.1.7.1 The Branch Affiliate Executive shall meet a minimum of once every two months, with the exception of July and August.

1.2.5.1.7.2 In addition to the above meetings, the Branch Affiliate Executive shall meet at the request of the Chief Executive Officer or two of the Executive members.

1.2.5.1.7.3 In addition to the above bi-monthly meetings, the Branch Affiliate Executive shall meet at the request of three or more Executive Councilors representing the respective members.

1.2.5.1.8 A quorum for Branch Affiliate Executive Meetings shall be two-thirds of the members.

1.2.5.1.9 Meetings shall be conducted in accordance with current Robert's Rules of Order, where they are not inconsistent with this Constitution or any special rules of order of the Association.

1.2.5.1.10 Any member of the Branch Affiliate shall be entitled to vote.

1.2.5.1.11 Members may question reports.

- 1.2.5.1.12 Members may debate, amend or vote on motions.
- 1.2.5.1.13 New business may be raised by any member of the Assembly in accordance with the agenda of the meeting under "New Business".
- 1.2.5.1.14 Branch Affiliate Meetings shall consider an agenda proposed by the Executive, endorse the agenda and conduct the meeting in accordance with that agenda.
- 1.2.5.1.15 Unless otherwise requested, business of the Branch Affiliate shall be transacted by a show of hands.
- 1.2.5.1.16 Meetings are open only to statutory members of the respective Branch Affiliate.

1.2.6 Branch Affiliate Executive Elections

- 1.2.6.1 Eligibility:
 - 1.2.6.1.1 a candidate must be a statutory member of the Branch Affiliate at the time of taking office and during the term of office;
 - 1.2.6.1.2 at any given time, an officer may hold only one elected office within the Branch Affiliate.
- 1.2.6.2 Elections:
 - 1.2.6.2.1 the Branch Affiliate Officers shall be elected by the members of the Branch Affiliate at the Annual General Meeting of the Unit or at a special Branch Affiliate General Meeting called by the Executive for that purpose;
 - 1.2.6.2.2 as per Procedures, there shall be step down elections for all Branch Affiliate elected officers.
- 1.2.6.3 Removal from Office:
 - 1.2.6.3.1 an elected or appointed Officer of the Branch Affiliate who fails to perform the duties of the office may be removed from the office by a two-thirds majority vote of the Executive Council members representing the respective Branch Affiliate. At least 10 days written notice of such impending action shall be provided to the Officer and to the respective Executive Councilors;
 - 1.2.6.3.2 an appeal may be made to the members at the Branch Affiliate General Meeting.
- 1.2.6.4 Openings on Branch Affiliate Executive:

- 1.2.6.4.1 an opening on the Branch Affiliate Executive created through the resignation, removal from Office or death of an Executive member shall be filled at the discretion of the Branch Affiliate Executive Officers. Decision(s) as to the appointment or election of a member, to fulfill the remaining term of the vacant office, shall be made within thirty days of the opening arising and subject to the approval of the Executive Council members from the Elementary Branch Affiliate.

1.2.7 Committees

- 1.2.7.1 The following standing committees may be appointed by the executive as needed:
 - 1.2.7.1.1 Collective Bargaining;
 - 1.2.7.1.2 Ad-hoc.
- 1.2.7.2 Duties of Committees
 - 1.2.7.2.1 Branch Affiliate Standing Committees shall:
 - 1.2.7.2.1.1 recommend the name of a Chair to the Branch Affiliate Executive for approval;
 - 1.2.7.2.1.2 appoint a secretary to keep accurate records of meetings;
 - 1.2.7.2.1.3 report to the Branch Affiliate Executive as required;
 - 1.2.7.2.1.4 submit copies of minutes, through the Office Staff, to the Branch Affiliate Executive;
 - 1.2.7.2.1.5 take direction from the Branch Affiliate Executive and the Branch Affiliate members;
 - 1.2.7.2.1.6 report to the Annual General Meeting of the Unit and to other Branch Affiliate General and Membership Meetings as required;
 - 1.2.7.2.1.7 submit budget recommendations to the Unit Finance Committee for the following year;
 - 1.2.7.2.1.8 abide by the specific terms of reference for the Committee;
 - 1.2.7.2.1.9 expend budget recommendations as per Unit procedures and submit receipts/invoices, through the Office Staff to the Treasurer;
 - 1.2.7.2.1.10 plan projects and related costs;
 - 1.2.7.2.1.11 make recommendations for approval by the Branch Affiliate Executive and Executive Council prior to the commencement of the project;

- 1.2.7.2.1.12 observe a quorum of fifty percent of committee members;
- 1.2.7.2.1.13 make recommendations to the Branch Affiliate Executive and/or the members;
- 1.2.7.2.1.14 propose, for Branch Affiliate Executive approval, the names of additional members who may wish to serve on the committee;
- 1.2.7.2.1.15 consider pertinent matters introduced by one of the members;
- 1.2.7.2.1.16 make recommendations for changes in its own terms of reference or recommend the formation of an Ad Hoc Committee;
- 1.2.7.2.1.17 consist of a minimum of 4 members.
- 1.2.7.2.2 Branch Affiliate Committee Chair shall:
 - 1.2.7.2.2.1 report as required to the Branch Affiliate Executive;
 - 1.2.7.2.2.2 supervise the compilation of accurate minutes, motions and reports;
 - 1.2.7.2.2.3 advise the Branch Affiliate Executive of the recommendation of the committee;
 - 1.2.7.2.2.4 submit budget recommendations to the Finance Committee for the following year;
 - 1.2.7.2.2.5 submit receipts to the Unit Treasurer on committee expenditures;
- 1.2.7.3 TERMS OF REFERENCE OF STANDING COMMITTEES
 - 1.2.7.3.1 Collective Bargaining Committee
 - 1.2.7.3.1.1 research all information pertinent to conditions of service and be familiar with all legislation pertinent to teacher employment and the Association collective bargaining goals and objectives;
 - 1.2.7.3.1.2 conduct a membership needs survey;
 - 1.2.7.3.1.3 draft proposals and provide rationale and costs;
 - 1.2.7.3.1.4 develop expertise with regards to negotiations and the respective local Collective Agreement;
 - 1.2.7.3.1.5 prepare a written brief outlining a set of proposals for negotiation toward a new Collective Agreement;
 - 1.2.7.3.1.6 advise the Branch Affiliate Executive of the need for a Membership Meeting of the Branch Affiliate to:

- 1.2.7.3.1.6.1 seek endorsement of principles of negotiations;
- 1.2.7.3.1.6.2 report on the progress of negotiations;
- 1.2.7.3.1.6.3 ratify a tentative Collective Agreement;
- 1.2.7.3.1.6.4 consider matters deemed necessary;
- 1.2.7.3.1.7 report as required to by Branch Affiliate Executive and members;
- 1.2.7.3.1.8 maintain ongoing liaison with the Provincial Collective Bargaining Staff and report the state of negotiations to the Provincial Association;
- 1.2.7.3.1.9 advise and counsel the Affiliate Executive and members on any matters pertaining to the Collective Agreement;
- 1.2.7.3.1.10 negotiate a Collective Agreement based on principles endorsed by the members;
- 1.2.7.3.1.11 present a tentative agreement to the members for ratification prior to signing of the Collective Agreement;
- 1.2.7.3.1.12 negotiate according to the terms as defined by the Ontario Labour Relations Act.
- 1.2.7.3.1.13 the Unit President shall be an ex-officio member of the committee

1.2.7.4 Ad Hoc Committees

- 1.2.7.4.1 Ad Hoc Committees may be created, from time to time, by a Membership Meeting or a Meeting of the Branch Affiliate Executive.
- 1.2.7.4.2 Terms of Reference shall be set for each Ad Hoc Committee at the time of its creation or by the next meeting of the Branch Affiliate Executive.
- 1.2.7.4.3 Ad Hoc Committees and Chairs shall be subject to all Duties outlined for Standing Committees and Chairs.
- 1.2.7.4.4 Anticipated budgets shall be considered at the time of establishment of the Terms of Reference and submitted for approval by the Executive Council.

1.2.8 Duties of Grievance Officer

- 1.2.8.1 The Grievance Officer shall:
 - 1.2.8.1.1 be available to counsel any member regarding the interpretation and implementation of the Collective Agreement;

- 1.2.8.1.2 encourage members whose rights seem to have been contravened to lodge appropriate grievances as per the Collective Agreement;
- 1.2.8.1.3 encourage the members to inform the grievance officer of any potential grievances;
- 1.2.8.1.4 assist in the preparation and presentation of grievances;
- 1.2.8.1.5 keep an accurate and confidential file of grievances;
- 1.2.8.1.6 report to and advise the Elected Table Officers and Executive Council as required;
- 1.2.8.1.7 secure advice from the appropriate Provincial Staff and/or legal counsel;
- 1.2.8.1.8 report in generalities to Elected Table Officers and Executive Council on the progress of grievances in accordance with the Municipal Freedom of Information Protection of Privacy Act 2001;
- 1.2.8.1.9 monitor the implementation of the collective Agreement;
- 1.2.8.1.10 liaise with the Provincial Office on matters of grievance that may proceed to arbitration.

1.3 Amendments to By-laws

- 1.3.1 The by-laws may be established, amended, rescinded or suspended by a two-thirds (2/3) vote of the members present at a general meeting, provided notice of the proposed change has been distributed to the members at least (ten) 10 calendar days prior to the general meeting.

1.4 Jurisdiction

- 1.4.1 Nothing in the scope and operation of the Branch Affiliate shall be in conflict with the Provincial Association or Unit Constitution, By-laws, Policies or Procedures.

2. Procedures

2.1 Elections

- 2.1.1 Candidates running for the following Offices shall declare their candidacy, in writing, a minimum of ten (10) working days prior to elections:
 - 2.1.1.1 Chief Executive Officer

2.2 Amendments to Procedures

2.2.1 Procedures may be established, amended, rescinded or suspended by:

2.2.1.1 a two-thirds (2/3) vote of the membership present at a general meeting, provided notice has been given at least (ten) 10 calendar days prior to the general meeting; or

2.2.1.2 a nine-tenths (9/10) majority of the executive, subject to ratification at the next general meeting.