



By-Laws

Amalgamated Transit Union Local 113

Revised November 2005

THE PREAMBLE

It is proposed to promote the success of the Local Union and to advance the interests of its members, in conformity with principles which regulate human action, among which are duty, truth and justice by securing the formulation of policy and the direction of action by the acceptance of By-Laws through which discussion is permitted and controlled, and which enable Executive action to be kept within legislative authority while giving the Executive the scope necessary for efficient administration.

It is proposed to secure these ends, progressively, upon resolutions adopted after debate and deliberation by the Local Union, by collective bargaining, negotiations, conciliation, arbitration, or by any other method consistent with the maintenance of the best interests of society in general and of this Local Union in particular.

It is proposed to defend the rights of the members of this Local Union as these rights are, or may be, established by law and to cooperate with all persons charged with the responsibility of the administration of any office or offices concerned with the preservation of these rights.

It is proposed, moreover, to provide opportunity for the Local Union to assist in the establishment of order, in the

insurance of harmony, in the securing of the blessings of friendship and the advantage of equality among people.

It is proposed, further, to preserve the rights of individuals and of groups within the Local Union without destroying the integrity of the Local Union itself.

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ARTICLE I - GENERAL

Section 1 - Name and Reference to Constitution

- (a) Adopted that the name of this fraternal organization shall be the Amalgamated Transit Union Local 113.
- (b) The Constitution and General Laws of the Amalgamated Transit Union shall have precedence over these By-Laws and if there are any conflicts between the Constitution and these By-Laws, the Constitution shall govern.

Section 2 - Definitions

- (a) **Constitution** - Constitution and General Laws of the Amalgamated Transit Union (International).
- (b) **By-Law** - Rules of Conduct, procedures and regulations pertaining to the Local Union (i.e., any Articles that make up these By-Laws).
- (c) **Local** - Amalgamated Transit Union Local 113.
- (d) **Union** - Amalgamated Transit Union (International).
- (e) **Member** - A person who pays dues to the Local.
- (f) **Initiation Fee** - Initial cost to a new member to join the Local Union.
- (g) **Dues** - Regular payments by payroll deductions, remitted to the Local on behalf of a member.
- (h) **In Good Standing** - A condition of Membership as defined in the Constitution and General Laws Section 21.6.
- (i) **Grievance** - A complaint by a member.
- (j) **Collective Agreement** - A contract between Local Union and the Employer.
- (k) **Returning Officers** - Members elected to preside over the election process.
- (l) **Qualified Member** - Members to be eligible as candidates must attend six (6) meetings per year. Only one meeting per calendar month will be allowed for qualification,

except when they fall on the day of a regular meeting. Qualifications for candidates shall be for the two years prior to nomination day. Members with less than two (2) years service in continuous good standing are ineligible.

- (m) **Step Children** - Be identified as those who are listed as recipients of benefits from the TTC under the members name and that the parents are living in a legally married or common law relationship.
- (n) **Steward** - A member who is elected or appointed to perform duties of Local Union representative who is not a member of the Executive Board.
- (o) **Executive Board** - Members elected to administer the affairs of the Local on a full-time basis.
- (p) **Senior Officers** - Members elected to the full time positions of:
 - (i) President/Business Agent
 - (ii) Executive Vice-President
 - (iii) Secretary-Treasurer
 - (iv) Assistant Business Agent - Maintenance
 - (v) Assistant Business Agent - Transportation
- (q) **Quorum** - Minimum number of members required to be present to constitute a meeting.
- (r) **Meetings** - Gathering of members for the purpose of conducting the business of the Local (not less than a Quorum).
- (s) **Special Meetings** - Gathering of members for the purpose specified in the notice of the meeting.
- (t) **O.A.C.** - Ontario Academic Credit
- (u) **O.S.R.** - Ontario Student Record
- (v) **O.S.S.D.** - Ontario Secondary School Diploma
- (w) **Office** - A full time Union position
- (x) **Scrutineer** - An observer of the election process designated by a candidate.

Section 3 - Purpose

The purpose of this Local Union must be consistent with and based upon the statement known as the Preamble, and is briefly stated to be the advancement of the members of the Local Union having due consideration of the needs of society, of the place of the Local Union within society, and of the contribution made by persons not now living. Words importing the singular number or the masculine gender shall, unless the context otherwise requires, include the plural or the feminine gender as the case may be and vice versa.

Section 4 - Changes to By-Laws

- (a) Every By-Law at present in existence will remain in existence except those which are specifically changed.
- (b) Any amendment or changes to these By-Laws must be submitted in writing and be read at two (2) General Meetings of the Local Union before adoption and shall require that two-thirds of the Membership in attendance at the second reading vote in favour of such change or amendment to adopt.
- (c) After adoption by the Local Union, the By-Laws, rules or amendments so adopted shall be forwarded to the International President before going into effect.
- (d) The Executive Board may present their recommendations to the By-Law committee whenever it is convened.
- (e) When extensive revisions to these By-Laws are recommended by the By-Law Committee, the second reading may take place at a Special Meeting called for this purpose and such revisions shall require that two-thirds of the Membership in attendance at the Special Meeting vote in favour to adopt.
- (f) These By-Laws shall be printed in a bound format booklet and will be available to the membership following the adoption of revisions or amendments.

ARTICLE II - MEMBERSHIP

Section 1 - Membership

- (a) Membership of this Local Union shall be limited to those persons who meet the qualifications of members as stated in the Constitution and are paying dues to the Local.
- (b) Date of Membership in this Local Union shall be the date recorded on the Certificate of Membership issued by Local Union 113. All newly hired employees of the commission will be required to join the Union from the first day of employment.
- (c) A member is required to keep the Secretary informed of his/her place of residence, in accordance with the Constitution.

Section 2 - Rights of Members

- (a) Members retiring on pension from active service and remaining in good standing will be deemed associate members of this Local Union and may be entitled to a voice but no vote on any matters affecting the Local except that they may vote in the election of Local Officers and Convention Delegates elected by and from the entire Membership only. Retired Members may not hold an elected position in Local 113.
- (b) Members retiring on pension (including those on long-term disability pension) will receive a gift not to exceed two hundred dollars (\$200.00) and a framed certificate, and shall be invited to a General Membership Meeting for presentation of same; at which time, a photograph may be taken to be inserted in the "Newsletter".
 - (i) All members, both active and currently retired as of January 1, 1993, will be responsible to pay their own pensioner per capita to the International Office of the Amalgamated Transit Union.

- (c) Gifts to former Officers of the Local, retiring on pension, must be by Notice of Motion only.
- (d) Associate members shall continue to be entitled to such Funeral Benefits as are stipulated in these By-Laws and the Constitution, while they remain in good-standing, but they are not eligible for disability benefits.
- (e) Members leaving the Toronto Transit Commission for reasons other than retirement on pension may become Members at Large; providing they remain in good standing and do not enter employment that is detrimental to the interests of the Union.
- (f)
 - (i) Members who accept positions with the employer and who perform management functions and who wish to retain Membership in the Union may apply to the International Office for withdrawal cards and become Members at Large. They will have neither voice nor vote in the affairs of the Local.
 - (ii) Any member of the A.T.U. Local 113 who applied for extended leave in excess of three (3) months and is granted such leave must continue to pay union dues in advance to protect their seniority, but cannot accrue seniority in excess of three (3) months in the bargaining unit for the period of time of that leave. All members of Local 113 who are currently working in non-supervisory staff positions will have their seniority frozen and by continuance of paying their dues will have that seniority protected for bidding purposes, but will not accrue further seniority in the bargaining unit.

Those members who are forced into staff positions (non-supervisory) due to sickness will be permitted to accrue bargaining unit seniority by the payment of dues.
 - (iii) Members while outside the bargaining unit shall have no voice or vote in the affairs of the Local Union.

Except on the election of officers and delegates to conventions.

- (g) No worker who holds an elected position in the Union will be permitted to bid for a Lead Hand vacancy or any other vacancy where the worker is regularly scheduled to substitute for a Supervisor.
- (h) Seniority Regulations under the jurisdiction of the Local will not be amended after or changed in whole or in part except by Notice of Motion and a two-thirds vote of the Membership at a General Meeting or any meeting to which the proposition is referred to and/or by referendum vote to be decided by simple majority.
- (i) No provisions of any Collective Agreement to which the Local is a party shall be amended or changed in whole or in part except by approval of majority vote of the Membership at a General Meeting.
- (j) A member charged with an offense relating to or arising out of the member's employment may apply to the Executive Board in writing for financial assistance in retaining legal counsel. The Executive Board shall determine whether to recommend approval or disapproval of the application, and the Membership present at the General Meeting shall decide by majority vote whether or not to grant financial assistance and any conditions pertaining thereto.
- (k) Strike or lock-out benefits will be paid in accordance with Section 19.3 of the Constitution and General Laws and Local 113 Defence Fund.

Section 3 - Grievance and Appeal Procedures

- (a) When a dispute arises between a member and the employer, which the member wishes to pursue, the member shall follow the procedures, in the order of steps, as set out below:

1. Member takes complaint to Supervisor.
 2. Member takes grievance to Shop Steward.
 3. Member or Steward takes grievance to Board Member.
 4. Member takes grievance to Assistant Business Agent or in his/her absence the Executive Vice-President.
 5. Member writes or appears before the Executive Board.
 6. Member appeals to General Meeting.
 7. Member appeals to International Union.
- (b) When a member has a complaint or grievance wherein the member alleges that he/she has been unfairly dealt with by the Local Union and the member wishes to pursue this complaint the member shall follow the procedures in order of steps as set out below:
 1. Member takes the complaint to their Executive Board Member.
 2. Member takes the complaint to their Assistant Business Agent.
 3. Member takes the complaint to the Executive Vice-President.
 4. Member writes or appears before the Executive Board.
 5. Member appeals to the membership at a General Meeting.
 6. Member appeals to the International Union.
 - (c) When a dispute arises between a member and an agency or organization, which operates "at arm's length" with the employer or Local Union and the member wishes to pursue a claim or appeal, the member shall follow the procedures in the order of steps as set out below:
 1. Member or steward takes grievance to board member.
 2. Member takes grievance to Assistant Business Agent or in his/her absence the Executive Vice-President.

3. Member writes or appears before the Executive Board.
 4. Member appeals to General Meeting.
 5. Member appeals to International Union.
- (d) In any case, if the complaint or grievance is not processed or dealt with to the members' satisfaction at any of the above numbered steps, the member may proceed to the next step until the procedure is exhausted, subject to the provisions of the Constitution of the Union or the Collective Agreement where applicable.

Section 4 - Initiations and Dues

- (a) The initiation fee will be as indicated in Schedule "C" in installments. Installments shall begin sixty (60) days from date of hire.
- (b) The method by which the dues are received shall be determined by the President/Business Agent and the Secretary-Treasurer, subject to any agreement existing with the employer.
- (c) Dues shall be increased by the percentage of the wage increase gained by the operators in each successive Collective Agreement.
- (d) Any change in amount of dues, except under Article 11 Section 4 Paragraph (c) of these By-Laws, in method or in time of receipt must be by Notice of Motion to a General Meeting of the Local and sufficient time shall elapse between the first and second reading of such Motion to permit the Executive Board to make its recommendation as to the change, accompanied by a statement of the information before the Executive Board when the recommendation was being considered.
- (e) In making a decision in reference to dues the Membership present at the General Meeting shall be aware of, and act according to, any agreement which then exists between the employer and the Local regarding the collection of dues.
- (f) Any change proposed under Article II, Section 4 Paragraph (d) of these By-Laws shall require the assent of two-thirds of Membership present at a General Meeting.
- (g)
 - (i) Dues for regular members, students and temporary workers shall be the regular monthly dues as per Schedule "C" of these By-Laws.
 - (iii) Dues for off property members shall be half the regular monthly dues and will be paid until they reach age 65.
- (h) Dues for associate members will be no greater than the International per capita tax.
- (i) A benevolent Fund will receive monthly from the active members dues, sufficient Funds to pay the per capita tax of the following members who are:
 - (i) Retired on pension prior to 1993.
 - (ii) Receiving a disability allowance.
 - (iii) Off property members over age 65 and shall not exceed the International per capita tax.

ARTICLE III - MEMBERS BENEFITS

Section 1 - Funeral Benefits

- (a) A Fund is hereby established to pay a Funeral Benefit to the estate of active members in good standing and retirees of Local 113. The monies used shall be provided by a portion of the regular union dues.
- (b) This Fund shall pay all expenses incurred relating to funerals such as expenses in establishing claims, sending wreaths or flowers, or a bible, payment of lost time for Union representation, etc.
- (c) This Fund is established in conjunction with the International Funeral Benefit and all laws governing the International Funeral Benefit regarding payment to heirs shall apply to the Local Funeral Benefit. This Fund shall be administered by the Secretary-Treasurer of the Local and the laws governing the International Secretary-Treasurer in administering the International Funeral Benefit shall apply to the Local Secretary-Treasurer.
- (d) Amount shown to be five hundred dollars (\$500.00) in all cases with no regard of age, payable after one year of service.
- (e) When wreaths, flowers or a bible are not requested, wishes of heirs shall be honoured if they request a donation of equal value to be sent to the charity of their choice and the cost limit shall be as recommended by the Executive Board.
- (f) Heirs shall be as provided in the Constitution and General Laws of the International Union.
- (g) The Secretary-Treasurer shall be authorized to spend up to the maximum of the Executive Board recommendation on flowers or a charity of a member's choice upon the death of a member's spouse.

Section 2 - Local Assistance

- (a) The President/Business Agent and Secretary-Treasurer are hereby authorized to provide a member the sum of eight hundred dollars (\$800.00) in case of a disaster, such as fire, which necessitates incurring costs for other accommodations.
- (b) The Executive Board may authorize an additional five hundred dollars (\$500.00).
- (c) Further assistance shall be available to the member administered by the T.T.C. Employees Credit Union Limited as per letter of intent dated August 12, 1980.

Section 3 - Donations and Honoraria

- (a) The power to resolve concerning any decision relating to Donations or Honoraria shall reside with a General Meeting.
- (b) Any Honorarium not specified in these By-Laws or any donations in excess of two hundred dollars (\$200.00) shall be by recommendation of the Executive Board or by Notice of Motion.
- (c) An Honorarium for members in good standing and pensioners, approved by the employees assistance committee as "Buddies" under the Assistance Program, in the amount of seven hundred and fifty dollars (\$750.00) to be paid yearly. This does not apply to Shop Stewards, Executive Board Members or Senior Officers.

Section 4 - Special Charitable Donations

- (a) The President/Business Agent, with the concurrence of one other full-time Officer is hereby authorized to make special charitable donations up to the amount of four hundred dollars (\$400.00); such donations to be reported to the next meeting of the Executive Board.

- (b) Special charitable donations in excess of four hundred dollars (\$400.00) shall by recommendation of the Executive Board or by Notice of Motion, subject to Membership approval.
- (c) In the event of a serious assault of any member of the Local, the President/Business Agent with the concurrence of one other full-time Officer is hereby authorized to offer a reward of up to five hundred dollars (\$500.00) for the arrest and conviction of the assailant(s); such action to be reported to the next meeting of the Executive Board.
- (d) Rewards in excess of five hundred dollars (\$500.00) shall be by recommendations of the Executive Board or by Notice of Motion, subject to Membership approval.

Section 5 - The John Lorimer Memorial Scholarship

- (a) A Fund is hereby established for the purpose of awarding scholarships to qualified applicants. The Scholarship Fund shall be financed by a yearly transfer from the General Fund not to exceed thirty-five thousand dollars (\$35,000) in any year. Any unused Funds will be returned to the General Fund.
- (b) Awards from the Scholarship Fund shall be known as John Lorimer Memorial Scholarships.
- (c) **Terms of the Award:**
 - (i) Scholarships of one thousand dollars (\$1000.00) in Canadian Funds shall be awarded annually to candidates on the basis of standing obtained in O.A.C. credit courses.
 - (ii) If any year there are more successful applicants than Funds available, the Scholarship Committee shall award scholarships to those students with the highest percentage marks. In the event of a tie for the scholarship awarded, the date that the application was received at the Union Office, shall be the determining factor as to the recipient of the award.

- (iii) The scholarship award shall be payable upon receipt, by the Secretary-Treasurer of the Local, of documentary proof that the recipient has, in fact, enrolled and been accepted in a degree course.
- (iv) Cheques shall be drawn payable to the recipient of the scholarship in two installments. The first installment will be payable on registration in September; the second installment in January will be payable if and when a letter is received from the Registrar's Office of the University attended, or a degree course, stating that the student has returned for the second semester and providing the student remains in good academic standing.
- (d) **Eligibility**
 - (i) Sons and daughters, step children and legally adopted children whose parent is an active or retired member of Local 113, in good standing, shall be eligible to qualify for the scholarship, except that if a student is enrolled in O.A.C. credit courses and his/her parent passes away, he/she shall also be eligible, so long as this student satisfies the other requirements.
 - (ii) Pupils may only be allowed to receive this scholarship once.
- (e) **Application**
 - (i) Members of Local 113, who have children eligible for the scholarship, must apply in writing on the prescribed application form and return it to the Union Office in person or registered mail.
 - (ii) Applications must reach the Union Office not later than July 2nd, each year. Applications received after July 2nd will not be considered.
 - (iii) Applicants shall submit to the Union Office their O.S.S.D. And a transcript of O.A.C. credit courses completed (O.S.R.). These documents will be returned to the applicant.

Section 6 – Labour Day Parade

- (a) All members attending and marching for the full duration of the Labour Day Parade with Local 113 contingent shall receive a garment not to exceed forty dollars (\$40.00) as recommended by the Executive Board to Membership.
- (b) Any member who is issued a garment and does not march for the full duration of the parade, shall be assessed the full cost of such garment.
- (c) Excepting said garment, there shall be no reimbursement for participation.

Section 7 - Newsletter

- (a) Local Union 113 may publish a newsletter for the purpose of informing members of activities pertaining to the labour movement.
- (b) Costs associated with the publishing and/or mailing of the newsletter shall be paid from the General Fund.
- (c) The board will elect an Editor-In-Chief for the newsletter.

ARTICLE IV – ADMINISTRATION

Section 1 - Offices

- (a) It shall be the joint responsibility of the Senior Officers of the Local to establish and maintain a Local Union office within Metropolitan Toronto.
- (b) Offices of the Local shall be of sufficient size and configuration to expedite the day-to-day activities of the Local.
- (c) Senior Officers of the Local shall report to the Executive Board when any change in location of the Union Office is contemplated, and such change shall be effected only after the Executive Board has recommended the change to a General Meeting of the Membership and it is endorsed by a majority vote of the members present at the meeting.
- (d) In extreme circumstances such as fire, etc., relocation of the Union Office may be determined at a Special Meeting called for this purpose.

Section 2 - Staff

- (a) All staff, clerical, secretarial, etc., shall be unionized employees and shall be subject to the terms and conditions of a Collective Agreement to which the Local is party.
- (b) The Secretary-Treasurer of the Local shall report to the Executive Board when an increase in staff is contemplated, and such change shall be effected immediately after Executive Board approval is obtained. Any such change must be made in accordance with the Collective Agreement to which the Local and the bargaining agent of the staff are parties. The power to resolve upon changes in staffing rests with General Meeting of the Local.

Section 3 - Authority to Employ Members

- (a) The Executive Board may authorize the Senior Officers of the Local acting jointly or individually to seek assistance of

a member or members of the Local in doing the work of the consultation with the Executive Board Member for the area where such members normally work.

- (b) It is provided that in resolving upon granting of this authority the Executive Board shall set limits to the use of the authority.
- (c) It is further provided that a member or members engaged in work of the Local Union, which has been authorized, shall be paid the Local's per diem rate for general duties as per Schedule "B" of these By-Laws.

Section 4 - Authority to Employ Non-Members

- (a) The Local will employ a lawyer on a full time basis, to advise the Executive Board. The Senior Officers will direct the lawyer on matters pertaining to the Local.
- (b) Except where otherwise provided for in these By-Laws, the Executive Board may authorize the employment of any person(s) not a member(s) of the Local Union who are needed to advise or otherwise to facilitate the work of the Local Union.
- (c) The Executive Board shall determine the conditions of employment, and the amount to be paid for such services, as well as the method of payment for all persons employed under Article IV, Section 4 of these By-Laws.
- (d) The decision of the Executive Board must be ratified by the General Meeting next following the meeting of the Executive Board at which the decision was made.

Section 5 - Building(s) or Real Property

- (a) It shall be the joint responsibility of the Senior Officers of the Local to manage and maintain the value of such real property or buildings to which the Local Union holds title.

Section 6 - Equipment

- (a) It shall be the responsibility of the Secretary-Treasurer to ensure that such equipment and furnishings as may be required in the Union Office are maintained.
- (b) Purchase of equipment or furnishings in excess of one thousand and five hundred dollars (\$1500.00) shall be by recommendation of the Executive Board or Notice of Motion.

Section 7 - Investments

The investment portfolio of the Local Union shall be under the care and control of the President/Business Agent, Executive Vice-President and the Secretary-Treasurer who shall seek the advice of the professional consultants in order to increase the value of the portfolio.

ARTICLE V - ELECTIONS

Section 1 - Returning Officers

- (a) At the General Meeting in January of the year in which a general election of Officers will take place, nominations shall be accepted for the positions of Chief Returning Officer and three (3) Deputies.
- (b) The election of the Chief Returning Officer and three (3) Deputies shall take place at the General Meeting in February, under the supervision of the Secretary-Treasurer of Local 113, and shall be for a three (3) year term of office. (i.e., Feb. 2006 - 2009).
- (c) Any member holding a current elected or appointed union position, must resign in order to contest the position of Returning Officer, at the time of nomination.
- (d)
 - (i) The Chief Returning Officer shall be the member receiving the greatest number of votes. The first Deputy shall be the member with the next greatest number of votes and so on.
 - (ii) An educational program shall be arranged for the newly elected Returning Officers.
- (e) The duties of the Returning Officer shall be to conduct all votes and elections, excepting the election of Returning Officers.
- (f) The Chief Returning Officer in consultation with the Deputies, shall be the sole authority to rule on the interpretation of all Local 113 election By-Laws. Decisions may be appealed to the Membership at a General Meeting. Final appeal shall be to the International Office.
- (g) The Chief Returning Officer shall be responsible for the care and custody of all locks and keys pertaining to ballot boxes and shall promptly deliver them to his/her successor.
- (h) The nominations for all positions, excepting the nominations for Returning Officers, shall be under the

jurisdiction of the Chief Returning Officer. The keys for the nomination box shall be retained in the possession of the Chief Returning Officer and the box shall not be opened until 1300 hrs. On the closing day of nominations.

- (i) All election notices shall be posted over the name of the Chief Returning Officer.
 - (j) The Chief Returning Officer and/or Deputies shall be responsible for the posting of all election notices and results. A car allowance of thirty dollars (\$30.00) per day shall be paid for such duty.
 - (k) Not less than thirty (30) days prior to voting, the Chief Returning Officer shall receive the nominal roll and/or list of each departmental membership, and shall check the accuracy of same, prior to handing them to the number one teller on the ballot boxes.
 - (l) *The Chief Returning Officer shall post the following hours of voting in each department and or location, and may alter adjust these times if deemed necessary.*
 - Transportation 0400 - 1900 hrs.
 - Collectors 0600 - 2000 hrs.
- Collectors-Travelling Boxes**
- | | |
|-----------------------|------------------|
| Danforth East | 0600 - 2000 hrs. |
| Danforth West | 0600 - 2000 hrs. |
| Yonge (Finch - Union) | 0600 - 2000 hrs. |
| University - Spadina | 0600 - 2000 hrs. |
| | |
| - Maintenance Depts. | 0600 - 1600 hrs. |
| - Greenwood Portal | 0400 - 0730 hrs. |
| | 1400 - 1600 hrs. |
- (m) The Chief Returning Officer and/or first deputy shall receive a car allowance of thirty (\$30.00) on voting day for across property votes.

- (n) At the designated counting location which will be furnished according to his/her specifications, the Chief Returning Officer shall receive the ballot boxes from the number one tellers. He/she shall collect all unused ballots, nominal rolls and tally sheets before the boxes are opened.
- (o) With the counting committee all in position and under the direct supervision of the Chief Returning Officer, boxes shall be opened and counting shall begin.
- (p) Throughout the counting procedure the second Deputy Returning Officer shall be present and assist the Chief Returning Officer.
- (q) Duties of the Deputy Returning Officers:
 - (i) First Deputy Returning Officer shall work under the direction of the Chief Returning Officer and shall report to the Union Office at 0400 hrs. on voting day.
 - (ii) Second Deputy Returning Officer shall assist the Chief Returning Officer in the opening of mail ballots and the counting of all ballots.
 - (iii) Third Deputy Returning Officer shall be responsible for the plant department travelling box.
- (r) On all across property votes, only on the actual day of the vote, and in lieu of overtime, the Chief Returning Officer shall receive an additional one hundred and twenty-five dollars (\$125.00) and all Deputy Returning Officers shall receive an additional one hundred dollars (\$100.00).

Section 2 - Resignations

- (a) A member of a committee, Shop Steward, Officer of the Local, or member of the Executive Board, excepting the Secretary-Treasurer, shall, if desiring to resign, present their resignation in writing to the Secretary-Treasurer, who shall present the resignation at the General Meeting next following the time of receipt by him/her of the resignation, and a decision upon the resignation shall be reached at such General Meeting.

- (b) The Secretary-Treasurer, if desiring to resign, shall present his/her resignation to the President/Business Agent in writing, who shall present the resignation at the General Meeting next following the time of receipt by him/her of such resignation, and a decision upon the resignation shall be reached at such General Meeting.
- (c) Shop Stewards who transfer and/or move from one division and/or work location to another on a permanent basis, shall be deemed to have resigned their position.
- (d) The General Meeting, which has the authority under this section of the By-Laws to receive a resignation, and which has resolved upon acceptance of the resignation, shall authorize the filling of the vacancy through:
 - (i) An election held at the location or locations, or
 - (ii) When the unexpired portion of the term is less than one (1) year, the appointment of a qualified member by the President/Business Agent; such appointment to be ratified by Membership by majority vote at the next General Meeting and effective thereafter. This paragraph to apply to non Executive Board Member positions.
- (e) The Executive Board shall have authority to accept resignations and call for nominations for the filling of any unexpired term of office, subject to ratification at the next General Meeting. This paragraph to apply to non Executive Board Member positions.

Section 3 - Nominations

- (a) Nominations for the Executive Board and Shop Stewards will open on the Monday following the General Meeting in October and will remain open that week from 0830-1600 hrs. Nominations will close on the Friday at 1600 hrs. Nomination day will be the first business day in November.
- (b) Nominations for Health and Safety Committee Members will open on the Monday following the General Meeting in October and will remain open that week from 0830 – 1600

hrs. Nominations will close on the Friday at 1600 hrs and Nomination Day will be the first business day in November. A candidate for Shop Steward may also be a candidate for the Health and Safety Committee.

- (c) Nominations for Canadian Council and International Convention Delegates will take place at the General Meeting in January following the triennial elections. There shall be no meeting requirements for International Convention Delegates.
- (d) Nominations for By-Law Committee, Social Committee and Women's Committee Members shall take place at the General Meeting in December of a triennial election year.
- (e) Nominations for Special Committees shall take place at the General Meeting next following the meeting at which the Committee is approved.
- (f) Members nominated at General Meetings who are not present at the meeting when the nomination is made, must notify the Secretary-Treasurer in writing within seven (7) days of their intention to stand.
- (g) Voting for candidates who are nominated at General Meetings shall take place at the General Meeting next following the meeting where such nominations were made.
- (h) Anyone holding an office in the Union, including Shop Stewards, Returning Officers and Counting Committee members for which he/she was duly elected, or appointed must resign in order to qualify as a candidate for another office including interim elections.
- (i) A Local Union Officer, Executive Board Member or other elected representative who resigns during the term of office is not eligible to contest the resulting election for the unexpired term of the same office, or any other office vacated as a result of such resignation.
- (j) Members to be eligible as candidates must attend six (6) meetings per year. Only one (1) meeting per calendar month will be allowed toward qualification. Special

Meetings will not be allowed for qualification, except when they fall on the day of a regular meeting. (As per International Constitution.)

- (k) Qualifications for candidates shall be for the two (2) years prior to nomination day. Members with less than two (2) years service in continuous good standing are ineligible.
- (l) When posting names of candidates for the position of Officers and Shop Stewards of the Local Union, such notices shall carry the names of their respective nominator and seconder. The above must be posted on the first business day in November.
- (m) It is each candidate's responsibility to ensure that his/her nomination form is completed and signed in his/her own handwriting except for the nominator and seconder who must sign and print their names. The candidate will then deposit the nomination form in the locked box at the Local Union office prior to 1600 hrs on the Friday following the October General Meeting.
- (n) The nomination form will be as shown in Schedule "A" of these By-Laws.
- (o) Nominations of candidates received, qualified and included on the face of ballot shall not be changed or deleted prior to the date of election.

Section 4 - Elections and Voting Procedures

- (a) (i) The method of electing the full time board shall be as follows: all members in good standing will have a vote for the office President/Business Agent, Executive Vice-President and Secretary-Treasurer.
- (ii) Members of Transportation, Wheel-Trans, Ticket and Information Clerks and Collectors/Clerical will have a vote for Assistant Business Agent Transportation and Executive Board Members for their respective area.
- (iii) Members for Maintenance will have a vote for Assistant Business Agent maintenance, Executive

Board Member at Large and Executive Board Members for their respective area.

- (iv) Ballots issued for Officers and Executive Board Members shall state " and Canadian Council Delegate."
- (v) On any election or referendum vote a one (1) day vote will be held.
- (b) An advance poll will be conducted at the Union office between the hours of 0830 and 1800 hrs. On the date designated by the Chief Returning Officer.
- (c) All elections shall be conducted in accordance with the Canadian Voting System (simple majority) where two (2) or more qualified members are nominated for an office, the member receiving the most votes shall be declared elected. The term of office will be three (3) years.
- (d) When no qualified members are nominated and two (2) or more unqualified members are nominated for an office, the member receiving the most votes shall be declared elected.
- (e) No election will be held if only one (1) qualified member is nominated, but that qualified member shall be acclaimed to office.
- (f) When no members are nominated for a position, the President/Business Agent shall have the authority to appoint a member to the position.
- (g) Where two (2) or more offices are to be filled, excepting delegates to conventions or committee members, each office shall be contested separately. Where two (2) or more positions as delegates to conventions or committee members are filled, then all nominated qualified members names shall appear on the same ballot in alphabetical order and the members receiving the most votes in order will be declared elected (i.e., the top five (5) vote getters elected to five (5) positions, etc.).

- (h) On balloting, there is one (1) to be elected, the elector shall vote for one (1) only. In case of two (2) or more to be elected, the elector shall vote for up to the number to be elected and each such vote shall count as one (1) vote for each candidate so indicated.
- (i) A ballot on which the elector has voted for more than the number to be elected, where erasure or other changes are shown or where such ballot has not been initialed on the front by the number one teller in charge, shall be deemed a spoiled ballot.
- (j) A legal ballot shall be a ballot clearly marked in the space provided up to the number of candidates to be elected and initialed on the front by the number one teller in charge.
- (k) No ballots shall be mailed to any member.
- (l) Members wishing to be tellers on a ballot box shall inform the Chief Returning Officer in writing of their availability no later than seven (7) days following nomination day.
- (m) Tellers on ballot boxes shall be assigned by the Chief Returning Officer in the following order:
 - (i) Shop Steward
 - (ii) Qualified members
 - (iii) Unqualified members
 - (iv) Pensioners
- (n) Qualifications for Tellers for elections run by Local 113 shall be according to these By-Laws, Article V, Section 3, Paragraphs (L) and (M); (i.e., the same eligibility requirements as candidates)
- (o) The most senior qualified Shop Steward shall be the Number One Teller on the box. There shall be two (2) Number One Tellers on Transportation Boxes, the hours shall be set by the Chief Returning Officer, the Senior Teller shall have the choice of hours. It shall be the duty of the Number One Teller A.M. shift to pick up the ballots and box, from the Union Office and it shall be the duty of the

Number One Teller P.M. shift to deliver the box and unused ballots and all other election materials to the counting location. For these duties, Number One Tellers will receive an additional twenty dollars (\$20.00) each.

(p) The following procedures must be strictly observed by all Tellers:

- (i) Number One Teller must sign procedure sheet when receiving ballots.
- (ii) Ballots and other materials must be checked to ensure they correspond with the number charged to each location.
- (iii) After both Tellers are satisfied that the box is empty, the box must be locked and the seal removed. Ballot boxes must not be unlocked for any reason until they are returned to the counting location.
- (iv) The Number One Teller must make sure that there are no candidate cards anywhere near the ballot box and that candidates do not linger in the vicinity of the polling area.
- (v) No Returning Officer or Teller shall advise any member on the merits of any candidate or issue.
- (vi) All ballots must be initialed on the front by the Number One Teller only.
- (vii) If the status of any member is in doubt his/her name must be checked with the Returning Officer who is on call at the Union Office during polling hours.
- (viii) Members' names must be struck off the nominal roll when they receive a ballot(s).
- (ix) Two (2) Tellers must be present when voting is in progress; ballots must not be issued when only one (1) Teller is present at the ballot box.
- (x) Spoiled ballots must not be destroyed, these must be retained and placed in an envelope marked "Spoiled Ballots". Replacement ballots will be issued and

spoiled ballots must be returned with the unused ballots to the counting locations.

- (xi) At the close of voting a seal bearing the imprint of Local 113 A.T.U. and the signatures of both Tellers must be affixed over the slot and the box must then be delivered to the counting location promptly by the Number One Teller.
- (xii) Any violation of the foregoing rules shall warrant disbarment as a Teller for a period of two (2) years, at the discretion of the Chief Returning Officer.
- (q) Plant Department workers at Davisville, Greenwood, Hillcrest and Wilson shall vote at these locations and Plant Department workers who report for work at trailers parked at divisions shall vote at that division. Sufficient ballots must be provided at each division for this purpose.
- (r) The only form of campaign material permitted in any Local 113 election shall be a business card no larger than 5 x 9 cm and shall contain no more than the following information:
 - (i) Candidate's name, including nickname or initials.
 - (ii) Candidate's home address.
 - (iii) Candidate's phone number(s).
 - (iv) Local Union number (Local 113).
 - (v) Amalgamated Transit Union Crest or Local 113 Crest, if so desired and/or the words "Amalgamated Transit Union".
 - (vi) Candidate's picture.
 - (vii) position sought by candidate.
 - (viii) The words "ELECT", "RE-ELECT" or "RETURN" where appropriate.
- (s)
 - (i) Union Label must be on cards and cards must be printed in a Union Shop.
 - (ii) Any violation of these rules may result in the disqualification of the candidate's votes at the discretion of the Chief Returning Officer.

- (t) Candidate's cards may not be circulated prior to nomination day.
- (u) All ballots for voting shall contain each candidate's surname first, followed by initial(s), as designated by the candidate on his/her nomination form.
- (v) A regular member shall become eligible to vote in all elections and general votes when such member has completed the sixty (60) day grace period, or is in good standing through payment of dues.
- (w) Associated members, including pensioners, shall only vote for those Officers and convention delegates elected by and from the entire Membership.
- (x) Any associate member or member on long term disability, residing in Ontario, shall receive voting credentials by regular mail. These credentials must be surrendered at the Polling Station in exchange for the appropriate ballot(s).
- (y) The Voting Day for the Triennial Election in Local 113 is the first Wednesday in December 2006, and every three (3) years thereafter.

Section 5 - Counting, Scrutineers, Recount, General Vote

- (a) For counting of ballots, a voting machine, approved by the Chief Returning Officer, shall be used. Ballots used will contain all positions contested for each member on one (1) card.
- (b) When an election of Local Union Officers is held a candidate shall have the right to use inside and outside scrutineers at the polls and one (1) only at the counting of ballots. The Chief Returning Officer shall be informed in writing of a candidates designated scrutineer(s) not less than seven (7) days prior to election day. The Chief Returning Officer shall provide credentials for all scrutineers which they must have in their possession at all times on election day. Scrutineers must be members or associate members, who are not candidates, even if

acclaimed, in the election. Scrutineers shall refer all questions only to the Chief Returning Officer, who shall instruct all scrutineers on their rights and privileges before counting of ballots begin.

- (c) At the counting of ballots, all scrutineers shall be permitted to observe the manner in which the ballots are being counted. Scrutineers shall be permitted to examine spoiled ballots.
- (d) The Chief Returning Officer decides if any ballot is to be accepted or rejected and the decision is only subject to review on recount.
- (e) A request for a recount shall be made in writing to the Secretary-Treasurer and must be received by him/her within one (1) week after the posting of election results.
- (f) This request for recount shall be placed before Membership at the next General Meeting of the Local following receipt of such request by the Secretary-Treasurer.
- (g) Any decisions about whether or not a recount shall take place, the time or method of such recount and/or the persons, named by resolution, who shall be responsible for the recount must be by majority vote of the Membership present at the meeting where the request for recount is made.
- (h) The cost of any recount approved by Membership shall be borne by Local Union 113.
- (i) Whenever there is submitted to the Local Union any question which, in the opinion of the Executive Board requires resolution by all members, the Executive Board shall give authority for the preparation of the ballot and shall instruct the Chief Returning Officer to conduct the vote.

ARTICLE VI - SHOP STEWARDS

Section 1 - General

- (a) Shop Stewards shall be established in work areas or locations where the Executive Board deems it necessary.
- (b) When making any decision in relation to establishing a Shop Steward's position, the Executive Board shall be aware of and act according to the needs of the Membership for union representation.
- (c) Establishment of a Shop Steward's position shall be determined by such factors as:
 - (i) Commonality of work performed by members
 - (ii) Location of the workplace.
 - (iii) Departmental considerations (i.e., Maintenance or Traffic, Wheel-Trans, etc.).
 - (iv) Special needs of members for representation.
 - (v) Provisions of any Collective Agreement.
- (d) Stewards shall be elected as provided for in Article V of these By-Laws.
- (e) Without limiting the authority of the Executive Board to determine otherwise, Shop Steward(s) will be elected or appointed from the following locations:

Transportation Department

Arrow Road, Birchmount, Clerical, Danforth Subway, Eglinton, Malvern, Queensway, Roncesvalles, Russell, Wheel-Trans, Wilson Bus, Wilson Subway, Patten Bldg, Wheel-Trans Clerical. Two (2) Shop Stewards to be elected by the Collectors' Division.

Maintenance Departments Equipment "A" Garages

Arrow Road, Birchmount, Eglinton, Lakeshore, Malvern, Duncan North Side, Duncan South Side, Queensway and Wilson.

Equipment "E" Carhouses

Davisville, Greenwood, McCowan, Roncesvalles, Russell and Wilson.

Greenwood/Harvey Shops

Greenwood Shop, Harvey North Side, Harvey South Side, Revenue and Security Equipment, Maintenance and Stores Department.

Plant Department

Building Trades - cc 712, 713, 714, 715, 716

HVAC, Fire Prevention & Industrial Security - cc 741, 1305, 2802

Elevators/Escalator - cc 718

Plant Repair Shop - cc 719

Subway Janitors North/South - cc 745

Subway Janitors East/West - cc 745

Surface Janitors/Landscaping - cc 744

Surface Track - cc 735

Subway Track Days - cc 736

Subway Track Nights - cc 736

Structure Maintenance - cc 733

Subway Construction (temporary)

- (f) In all cases, when more than one (1) steward is to be elected from within one (1) location and department, by the same voters, the steward receiving the most votes shall be the senior Steward and shall choose the location(s) he/she will represent. The junior Steward shall then represent the remaining location(s). In the event that the number of votes is equal, the senior Steward shall be the Steward with the greatest seniority as a Steward. If all conditions are equal, the President/Business Agent shall determine the senior Steward.
- (g) The President/Business Agent is empowered to appoint temporary Shop Stewards in maintenance locations

approved by the Membership of Local 113. Appointed Shop Stewards will be paid remuneration of five hundred dollars (\$500.00) per year, payment of two hundred and fifty dollars (\$250.00) paid once in each 6-month period (i.e. January to June)

- (h) Bodypersons, painters and stores attendants permanently working at operating garages will be entitled to run for Shop Steward in the location they are working.

Section 2 - Duties and Responsibilities

- (a) Shop Stewards shall only handle complaints in the section or department that he/she was elected or appointed to represent.
- (b) Transportation Shop Stewards shall deal through their Divisional Superintendents.
- (c) Carhouse, Garage and Plant Shop Stewards shall deal through to their Location Supervisor.
- (d) Greenwood/Harvey/Duncan Shop Stewards shall deal through to their Assistant superintendent.
- (e) Complaints which cannot be resolved by a Shop Steward at the limit of his/her jurisdiction, shall be passed on to the appropriated Executive Board Member as per Article 11, Section 3 of these By-Laws.
- (f) Meetings of Department Shop Stewards shall be called upon at the request of Shop Stewards or Board Members concerned.
- (g) Shop Stewards shall meet three times annually with the Executive Board.
- (h) Shop Stewards shall attend all meetings that are called for them by the Local Union. The time and place of such meetings shall be arranged by the President/Business Agent who may, on request, excuse a Shop Steward from attending such a meeting for cause.
- (i) Shop Stewards shall attend at least three (3) regular or General Meetings of the Local Union in each six (6) month

period (i.e., January - June, July - December). Only one (1) meeting per calendar month to be counted.

- (j) Shop Stewards shall relay to the members such information as they are instructed to transmit by the Executive Board and shall make such inquiries as the Executive Board requests.
- (k) In addition to these duties, Shop Stewards shall perform such other duties as may be assigned to them by the Officers or Executive Board of the Local from time to time.
- (l) Regardless of the source of requests or instructions, Shop Stewards must not act in any manner that is contrary to the provisions of the By-Laws of the Local.
- (m) Following the election or appointment of a Shop Steward (s), a meeting shall be called by the President/Business Agent at which time the Shop Steward(s) will be instructed in his/her respective duties.

Section 3 - Education

- (a) At least once in each three (3) year term, all Shop Stewards shall be invited to attend an extensive Educational Forum.
- (b) The Educational Forum shall be conducted at least five (5) consecutive days and shall provide for the instruction of the Shop Stewards in various labour education topics, such as Health and Safety, Shop Stewards Training, Arbitration, Collective Bargaining, Workers Compensation, Labour Law, etc.
- (c) The Educational Forum will be coordinated by the President/Business Agent, Executive Vice-President, and Secretary-Treasurer of Local 113.
- (d) The Executive-Vice President and Secretary-Treasurer shall act as liaisons between the Local Union and any other organization involved in providing such a forum. They shall arrange for the provision of lodging, meals and classrooms, for attendance, if any, of stewards from foreign local, and for the sharing of costs.

Section 4 - Remuneration

- (a) Shop Stewards who attend at least three (3) regular or General Meetings of the Local Union in each six (6) month period shall receive the following remuneration. Only one (1) meeting per calendar month to be counted.
 - (i) Stewards representing up to:
 - 1 - 150 members \$308.00 monthly.
 - 151 - 300 members \$411.00 monthly.
 - 301 - 450 members \$514.00 monthly.
 - 451 - 600 members \$617.00 monthly.
 - 601 - 750 members \$719.00 monthly.
 - (ii) All Shop Stewards to receive a flat rate of seventy-five dollars (\$75.00) per month for cellular telephone compensation and residential phone line services. In the event that long distance phone call charges are incurred by Stewards to engage in communication for the benefit of Local 113 members, then such expenses should continue to be reimbursed.
 - (iii) Any exceptional personal vehicle operating expenses incurred in the conduct of Union business as a Steward (excluding attendance at regular or General Meetings) of the Membership should be reimbursed.
- (b) Shop Stewards' Allowance will be paid twice yearly in the months of June and December and will be based on the preceding six (6) month period.
- (c) Any decisions as to qualifications for the allowance or the amount to be paid will be made by the Secretary-Treasurer of Local in consultation with the Executive Board. If the Steward is not able to fulfill his responsibility as Steward, due to extended illness, prolonged absence due to other reasons, and a replacement is required, the remuneration for both the Steward and replacement shall be pro-rated in an equitable manner.

- (d) Decisions relating to Shop Stewards' Allowances may be appealed to a General Meeting of the Local Union only, and the decision of the Membership at such meeting will be final.

Section 5 - Dinner Dance

- (a) All Shop Stewards shall receive an invitation to attend the Shop Stewards' Dinner Dance.
- (b) The Shop Stewards' Dinner Dance shall be an annual event and shall be held prior to the end of May in each year.

ARTICLE VII - Full-Time Officers

Section 1 - Officers and Board Members

(a) *The President's Business Agent shall:*

- (i) Preside over all meetings of the Local Union, the Executive Board and all committees.
- (ii) Call meetings of every duly authorized committee.
- (iii) Call a Special Meeting of the Local Union, or Executive Board, for which authority to do so has been granted him/her by the Executive Board; or upon request, in writing, signed by one-third or more of the members of the Local Union.
- (iv) Name the members of every Committee for which Membership has not otherwise provided.
- (v) Be a member of every Committee.
- (vi) Call meetings of the Shop Stewards three times yearly.
- (vii) In conjunction with the Secretary-Treasurer, sign all cheques and other negotiable papers, after having assured themselves of their correctness, and of the obligations incurred.
- (viii) Perform such duties as are provided in these By-Laws and Constitution.
- (ix) Have a right to vote in secret ballot votes, at the same time and along with other members, who cast their votes. Otherwise he/she shall have a right to vote only in case of tie, when there is a standing or hand vote, where upon he/she shall have the deciding vote.
- (x) Supervise all the business of the Local Union.
- (xi) See that all Officers perform their respective duties.
- (xii) Direct and control the organization by which the Local Union expresses itself and achieves its purpose.
- (xiii) Attend all Conventions, except political, by virtue of office.

- (xiv) Be a member of the Sick Benefit and Pension Boards by virtue of office. He/she shall report to the Executive Board and General Meeting on request.
- (xv) Have the authority to hold annually prior to the end of May, a Shop Stewards' Dinner Dance.
- (xvi) Be the sole spokesperson for Local 113, A.T.U. And then only, when possible, after consultation with the Executive Board.
- (xvii) Be elected to one (1) office only.

(b) *The Executive Vice-President shall:*

- (i) Perform the duties of the President/Business Agent during the absence of the President/Business Agent.
- (ii) If a vacancy in the office of the President/Business Agent occurs, perform the duties of the President/Business Agent until the vacancy is filled by election. While assuming the duties of the President/Business Agent, he/she shall assume all rights and privileges of the presidency.
- (iii) Sign all cheques and other negotiable papers in the absence of the President/Business Agent or the Secretary-Treasurer.
- (iv) Normally, assume the duties of the Union Office during negotiations.
- (v) In the event of sickness or vacation of the Secretary-Treasurer or Assistant Business Agents assist the President/Business Agent in performing their duties and shall report to the Executive Board and Membership.
- (vi) Perform the duties of Welfare Officer to assist members in areas not covered by other offices (i.e., Workers' Compensation, Education etc.)
- (vii) In his/her absence will designate a member from the board to deal with W.S.I.B./S.B.A. And L.T.D., subject to approval of the Executive Board.

- (viii) Attend, or delegate a substitute to attend, whenever possible, meetings of the Toronto Transit Commission.
 - (ix) Attend all meetings and perform other services as assigned to him/her by the President/Business Agent or Executive Board.
 - (x) Be a member of the Sick Benefit and Pension Boards by virtue of office, and shall report to the Executive Board and General Meeting on request.
 - (xi) Attend the Canadian Council Convention and Pension Conferences by virtue of office. At all other times, the Executive Vice-President shall remain in the office in the absence of all other Senior Officers.
 - (xii) Be elected to one (1) office only.
- (c) ***The Assistant Business Agents, Maintenance and Transportation shall:***
- (i) Attend all meetings of the Local Union and all meetings of the Executive Board.
 - (ii) Give specific reports on such matters as they have negotiated or may be called on to negotiate. In any case where they are called on to give a report, they shall be specific.
 - (iii) Immediately inform the Executive Board Member concerned of all complaints and grievances submitted to him.
 - (iv) Be subject to instructions from the General Membership and the Executive Board in all matters relative to the business of the Local Union.
 - (v) Be required to give a detailed report of their activities at the next regular meeting of the Executive Board.
 - (vi) Assume the duties and responsibilities of any Board Member off duty to vacation or sickness.
 - (vii) Visit each work location they represent whenever possible and will attempt to notify the board member in each area of their intended visit.

- (viii) Attend all meetings of Shop Stewards.
 - (ix) Attend the Canadian Council Convention and Pension Conferences, by virtue of office.
 - (x) Be members of the Sick Benefit and Pension Boards by virtue of office and shall report to the Executive Board and the General Meeting on request.
 - (xi) Be elected to one (1) office only.
- (d) ***The Secretary-Treasurer shall:***
- (i) Attend all meetings of the Local Union and the Executive Board.
 - (ii) Keep a correct and comprehensive record of the proceedings of all such meetings.
 - (iii) Be responsible for keeping a record of Membership in a form satisfactory to the Executive Board and Membership.
 - (iv) Conduct the correspondence on the Local Union. All correspondence on union matters must be addressed to the Secretary-Treasurer who shall provide the Senior Officers with copies of the same, on request, and shall report all correspondence to the Executive Board.
 - (v) Receive all monies and arrange for their safekeeping.
 - (vii) Present all books, proceedings, records and documents for audit or examination by a person having proper authorization and shall make available for examination by the auditor, or some other authorized person, all bonds, inventories and other assets upon receipt of authority to do so.
 - (viii) In conjunction with the President/Business Agent of the Local, sign all cheques and all other negotiable papers and documents, after having assured themselves of their correctness.

- (ix) Be responsible for the preservation of all necessary records and documents and for the custody of bonds and other assets.
- (x) Have the care and custody of the Membership roll call book and shall ensure that said book is examined by a member only in the presence of a Senior officer of the Local Union.
- (xi) Report at the end of every three (3) months to the meeting of the Executive Board, in the manner prescribed by the auditor, the condition of the finances of the Local.
- (xii) Furnish sufficient copies of the quarterly Financial Statement to each Executive Board Member for posting on all Union Notice Boards and shall also provide copies of such statements to members who request them in writing, during the month of December, for the following year.
- (xiii) Have charge of, and be responsible for the safety of the seal of the Local Union; and shall deliver same to the succeeding Secretary-Treasurer of the Local Union upon the commencement of his/her term of office.
- (xiv) Place all complaints and grievances, pertaining to his/her office, submitted by members, before the Executive Board.
- (xv) Be responsible for relaying all messages, recorded on the Union Office answering machine during off hours, to the appropriate officers.
- (xvi) Perform such other duties as provided for in these By-Laws and Constitution and such duties as may be assigned to him/her by the Executive Board or by a meeting of the Membership.
- (xvii) Ensure that, in the year in which the term of office expires, no cheques are post-dated beyond the elected term of office.

- (xviii) Attend the Canadian Council Convention and Pension Conferances by virtue of office.
- (xix) Make a report to the Executive Board, monthly, giving the name(s) of member(s) employed on business of the Local Union, the time devoted by each and the remuneration payable to each.
- (xx) Will be a voting member (Director) of the Pension Fund Society and be the alternate member of the Sick Benefit Board and shall report to the Executive Board and General Meeting on request.
- (xxi) Be elected to one (1) office only.
- (e) The Executive Board Members of the Local shall be elected by and from the Membership at the following locations and/or departments:
 - (i) **Maintenance - (see Schedule "D")**
 Equipment "A"
 Equipment "B"
 Hillcrest Complex
 Plant Department
 Executive Board Member at Large
 - (ii) **Transportation**
 Birchmount/Malvern
 Collectors/Clerical/TCT/
 Patten/Checkers
 Bloor-Danforth Subway/Eglinton
 Wilson Subway/Wilson Bus
 Roncesvalles/Russell/
 Wheel-Trans
 Arrow Road/Queensway
 - (iii) The above Board Member locations and/or departments are subject to alteration or realignment because of

circumstances beyond the local's control. Subject to membership approval.

(f) ***Executive Board Members shall:***

- (i) Attend all meetings of the Executive Board and all General Membership Meetings, except when excused by the President/Business Agent.
- (ii) Attend all regular Membership Meetings, that deal with the business of his/her location or department, except when excused by the President/Business Agent.
- (iii) Attend at each location or department that he/she represents whenever possible and report to the appropriate Assistant Business Agent on his/her activities, on request.
- (iv) Handle all Union business, except appeals on dismissal, up to the level of Manager.
- (v) Perform such duties as provided for in these By-Laws, including substituting for the Assistant Business Agents as directed by the President/Business Agent.
- (vi) Attend the funeral of a deceased member from his/her area or designate an alternate to attend in his/her place. They shall perform such duties as may be required.
- (vii) Work under the direction of their respective Assistant Business Agent.
- (viii) Attend the Canadian Council Conference by virtue of office.
- (ix) Be elected to one (1) office only.

Section 2 - Executive Board - General Duties and Specifications

- (a) The Executive Board shall consist of the five (5) Senior Officers and the eleven (11) Executive Board Members.
- (b) The five (5) Senior Officers shall attend annually at the International Employees Benefit Plans and Canadian Pension Conference.

- (c) When any of the Members of the Executive Board are required to work on their off day, or Statutory Holiday, they may take pay or time off in lieu of pay.
- (d) A Member of the Executive Board shall be appointed by the President/Business Agent, at the Annual Meeting following the Triennial elections, to act as correspondent to the official journal of the Union for the duration of the term of office.
- (e) The President/Business Agent, Secretary-Treasurer and Vice-President shall be bonded in accordance to the Constitution (Section 34). Any other Officers or other persons bonded will be determined by the Executive Board at its first meeting after the Annual Meeting in March.
- (f) Local 113 salaried Officers shall have an annual vacation corresponding to their entitlement with the Employing Body.
 - (i) Periods of vacations to be determined by the Officers themselves, subject to the approval of the President/Business Agent. It is to be understood that adequate coverage of the Local must be maintained at all times.
 - (ii) Requests for vacations during contract negotiations must be addressed to and approved by the President/Business Agent.
 - (iii) Vacation pay shall be in accordance with the Local 113 Master Collective Agreement.
 - (iv) Due to the nature of work involved, vacations may be deferred, all deferments shall be subject to Membership approval at a General Meeting.
 - (v) When a Statutory or Designated Holiday falls within a salaried Officer's vacation period, he/she shall be entitled to an extra day's pay or time off in lieu.
 - (vi) When a full-time salaried Officer elects to retire on December 31st, he/she shall be paid their vacation pay by Local 113.

- (g) As all Executive Board Members are salaried, no additional lost time for the good and welfare of their members shall be paid except when authorized by the President/Business Agent or Assistant Business Agents for emergencies arising at their locations on Saturdays, Sundays, Statutory or Designated Holidays.
- (h) When the Senior Officer(s) of the Local are absent they may be replaced by two (2) Board Members, one (1) each from Maintenance and Transportation and such Board Members are to be afforded full access to all facilities and keys, personal files excepted.
- (i) The incapacity of an Officer or Board Member shall be reported by a member of the Local, who is aware of the incapacity, to the Secretary-Treasurer or to the President/Business Agent, if the incapacity affects the Secretary-Treasurer. He/she shall forward such a report to the next General Meeting of the Membership, following receipt of such information and the Membership shall act in reference to such a report as they see fit, having due regard for the provisions of the Constitution and these By-Laws.
- (j) Any Officer or Board Member attending any Union Function, (i.e., International Executive Board, Canadian Council, etc.) and receiving pay and/or allowances for attending such functions, shall elect to take whichever pay and/or allowances) is greater from either Local 113, under these By-Laws, or from any other source. In no case shall he/she be entitled to both.
- (k) Newly elected Senior Officers will be required to be in the office a minimum of seven (7) working days prior to the term of office commencing, and the outgoing Senior Officers will remain in the office at least the first regular union meeting, for the purpose of familiarizing the new officers with the positions they were elected for.

- (l) Newly elected Board Members will be required to be in the office a minimum of two (2) working days prior to their term of office commencing, and the outgoing Board Member will remain in the office a minimum of two (2) working days after their term of office expires, for the purpose of familiarizing the new Board Members with the positions they were elected for.
- (m) The President/Business Agent or designate shall be informed of all illnesses or absences by members of the Executive Board.

Section 3 - Executive Board Meetings

- (a) There shall be a meeting once in each calendar month, the meeting being called at a time and place which has been decided by the Executive Board. Such a meeting shall be known as the Regular Executive Board Meeting.
- (b) Additional meetings may be called whenever, in the opinion of the President/Business Agent or a majority of the Executive Board, such a meeting is necessary. The time and place of the meeting shall be decided by the President/Business Agent and the members of the Executive Board shall be notified, if possible, in writing. Deliberations at such a meeting will be kept within the scope of the purpose for which the meeting is called and such a meeting shall be known as a Special Executive Board Meeting.
- (c) Each month there shall be a separate meeting of those Executive Board Members and the appropriate Assistant Business Agent for Maintenance and Transportation. These two (2) meetings shall be reported to the Regular Executive Board Meeting and they shall be known as the Maintenance Board Meeting and Transportation Board Meeting, respectively, there shall be no Maintenance Board or Transportation Board Meetings in the months of July or August or during Contract Negotiations.
- (d) The Order of Business at the Regular Executive Board Meetings shall be as follows:

- (i) Call to Order by the President/Business Agent.
- (ii) Roll Call of Executive Board Members.
- (iii) Reading and confirming minutes of the last meeting.
- (iv) Report by Secretary-Treasurer of duties delegated by the General Membership Meeting.
- (v) Reports of Officers and Committees within the Executive Board.
- (vi) Correspondence.
- (vii) Accounts and bills.
- (viii) Unfinished business.
- (ix) Good and Welfare of the Local.
- (x) Adjournment.

Note: A majority of the Executive Board shall constitute a quorum.

- (e) A pension educational shall be provided for the Executive Board once a year prior to the annual General Meeting of the Pension Fund Society.

Section 4 - Executive Board Remuneration and Allowances

- (a) The Financial Statement shall reflect each Senior Officer's and Executive Board Member's salary and lost time.
- (b) The salaries of the Officers and Board Members shall be based on a five (5) day week, and they shall be paid or given time in lieu for any and all time worked over the five (5) days.
- (c) The salaries of Officers and Board Members shall be computed on the basis of the applicable per diem rate as set out in Schedule "B" of these By-Laws and payment shall be made bi-weekly.
- (d) An expense account as specified in Schedule "B" of these By-Laws shall be maintained in the Local office for the use of each Senior Officer of the Local for out-of-pocket expenses.

- (e) Each Executive Board Member shall receive a monthly expense allowance as set out in Schedule "B" of these By-Laws.
- (f) Each Executive Board Member shall receive a monthly car allowance as set out in Schedule "B" of these By-Laws.
- (g) Each Executive Board Member shall receive a cell phone for business purposes and shall have all reasonable charges paid.
- (h) The per diem rate shall be based on the highest hourly rate. The President/Business Agent's per diem rate shall be on the highest hourly rate plus 12% x 10 hours per day. The Executive Vice-President and the Secretary-Treasurer shall receive the highest hourly rate plus 8% x 10 hours per day. Assistant Business Agents shall receive the highest hourly rate plus 5% x 10 hours per day. The Executive Board Member's per diem shall be the highest hourly rate x 10 hours per day.
- (i) The per diem rate for general Union duties shall be the highest hourly rate x 9 hours per day.
- (j) A half day per diem may be paid at the appropriate rate.
- (k) When the Collective Agreement contains provisions for a cost of Living Allowance, such allowance will be applied to all per diem rates as required.
- (l) All allowances specified in this section of the By-Laws shall be increased by the percentage gained in Contract Negotiations.
- (m) Any increase in allowances greater than the percentage increase in the Collective Agreement must be by Executive Board recommendation or by Notice of Motion.

ARTICLE VIII - MEETINGS

Section 1 - Local Meetings

- (a) The Meetings of the Local shall be as follows:
 - (i) General Membership (one (1) per month).
 - (ii) Regular (two (2) per month except June, July, August and December).
 - (iii) Special (as required).
- (b) The General Membership Meeting shall;
 - (i) Be held on the third Sunday of every month at ten o'clock in the morning where possible, or as designated by the Executive Board.
 - (ii) Be the meeting at which the business of the Local may be resolved.
 - (iii) Be the Annual Meeting in March.
- (c) A regular meeting shall be either of the monthly meetings for Uniformed or Non-Uniformed members which shall be, in the case of the Uniformed Meeting, on the first Tuesday (following the first Monday) of each month at eight o'clock in the evening. The Non-Uniformed Meeting, shall be on the Wednesday prior to the Sunday General Meeting at eight o'clock in the evening. Or as designated by Membership.
- (d) There shall be only one General Membership Meeting held in the months of June, July, August and December. The Executive Board shall designate the date and time of such meetings.
- (e) At the Uniformed Regular Meeting, business particular to the Transportation Department will be discussed.
- (f) At the Non-Uniformed Regular Meeting, business particular to the Maintenance Department will be discussed.

- (g) Recommendations from regular meetings shall go forward to the General Membership Meeting at which time a decision may be made and the power to resolve upon all issues before the Local shall reside in the General Membership Meeting.
- (h) In the event that a Statutory Holiday falls on a day when a Local Meeting is to be held, the disposition of said meeting shall be referred to the Executive Board.
- (i) A Special Meeting shall be held at the call of the President/Business Agent, who, in doing so, shall act with the authority of the Executive Board, or two-thirds majority of a General Membership Meeting.
- (j) A Special Meeting shall keep within the limits of that for which it was called and shall have power of decision.
- (k) A Special Meeting called during negotiations between the Local Union and some person or some corporate body with whom negotiations are in progress, shall have the power of decision concerning this subject or these subjects only, and then within the limits stated in the notice calling for such a meeting.

Section 2 - Quorum

- (a) The Quorum for a General Membership or a Special Meeting shall be forty (40) members.
- (b) The Quorum for a regular meeting shall be thirty (30) members.
- (c) The attendance book shall be closed one half hour after official time for which a meeting has been called.
- (d) A meeting called for a certain time at a certain place, and the number of members necessary of a Quorum not being present at thirty minutes after the time at which the meeting was to have been called to order, may be postponed or cancelled at the discretion of the President/Business Agent.

Section 3 - Order of Business

- (a) Where no By-Law is provided, covering any point in contention, the Constitution shall be the guide; however, where not otherwise provided, "Robert's Rules of Order" (revised) shall govern the meetings of the Local.
- (b) The normal order of Business of the regular and General Membership Meetings shall be:
 - (i) Call to Order by President/Business Agent.
 - (ii) Roll Call of Officers.
 - (iii) Reading and approval of minutes of the previous meeting.
 - (iv) Notices of Motion to be called for (1st reading).
 - (v) Notices of Motion to be finalized (2nd reading).
 - (vi) Reports of Committees.
 - (vii) Nominations and Elections.
 - (viii) Secretary-Treasurer's report.
 - (ix) Assistant Business Agents' reports,
 - (x) Unfinished business.
 - (xi) New business and welfare of the Local.
 - (xii) Installation of Officers.
 - (xiii) Adjournment.
- (c) The normal order of business at a Special Meeting of the Local shall be:
 - (i) Call to Order by President/Business Agent.
 - (ii) Examination of members by warden.
 - (iii) Roll Call of Officers.
 - (iv) Reading of the notice calling the Special Meeting.
 - (v) Formulation of recommendations or resolutions within the limitations as set out in Article VIII, Section 1, Paragraphs (J) and (K) of these By-Laws.
 - (vi) Adjournment.

- (d) On a motion, regularly made and seconded, the normal order of business may be suspended by a two-thirds majority of those present, to deal with any urgent business.
- (e) When a question is before a meeting of the Local, or of any department or group, or a meeting of the Executive Board or any committee, no motion, other than the motions following, shall be in order. They are in order of precedence.
 - (i) Motion to adjourn.
 - (ii) Motion to adjourn debate (call the question).
 - (iii) The previous question.
 - (iv) Motion of referral.
- (f) Each of the motions in Paragraph (E) of this Section of these By-Laws, shall be seconded. One of these motions being moved and seconded, no other motion shall be presented, until the meeting decides concerning this question of routine and such decision shall be made without debate. On a motion to refer, "**Robert's Rules of Order**" (revised) shall prevail.
- (g) Notices of Motion shall be given at a General Meeting only. The member moving the motion must attend said meeting and give the first reading. Where such a legal motion is to be presented to a meeting it shall be advertised on the notice advising of that meeting.
- (h) Where a Notice of Motion is found to be illegal, the President/Business Agent shall inform the mover of the motion in writing. In such cases, the member may appeal to the next General Membership Meeting. No debate on any motion, moved by Notice of Motion, shall take place unless such motion has first been advertised and such motion shall be disposed of at the advertised meeting.
- (i) Reconsideration of any question formerly resolved is possible only after rescinding of the resolution relating to that question has been resolved upon. It is further provided

that, in rescinding any resolution formerly passed, all members who have acted in good faith upon said resolution shall be protected by resolution of the meeting at which the rescinding occurs.

- (j) If the rescinding occurs at the same meeting at which the resolution to be rescinded came into being, the mover of the motion to rescind must be one of those who voted in favour of the resolution to be rescinded initially.
- (k) If the rescinding of the resolution occurs at a subsequent meeting to the meeting at which the resolution came into being, any member may move the motion to rescind.
- (l) The rescinding of a resolution shall require a two-thirds majority of the members present at the time the motion to rescind is considered.

Section 4 - Decorum

- (a) The decorum of all meetings shall be maintained by all members.
- (b) The duration of any speech upon any question at any meeting shall not exceed three (3) minutes except with permission of the meeting.
- (c) In order to maintain decorum during debate all members shall:
 - (i) Confine their remarks to the merits of the pending question.
 - (ii) Refrain from attacking a member's motives.
 - (iii) Address all remarks through the chair.
 - (iv) Avoid the use of members' names.
 - (v) Refrain from speaking adversely on a prior action not pending.
 - (vi) Refrain from speaking against one's own motion.
 - (vii) Read from reports, quotations, etc., only without objection or with permission.

(viii) Be seated (or step back from a microphone) during an interruption or ruling from the chair.

(ix) Refrain from disturbing, or disrupting the meeting.

Section 5 - Voting Machine

The electronic voting machine will be used at the discretion of the executive, or where a majority of members in attendance at a General Meeting so decide (examples) in votes for committees, appeals or items of a sensitive nature.

Section 6 - Auditor

- (a) At the Annual Meeting in March each year, an Auditor, who is in professional practice in the Province of Ontario, shall be appointed by resolution, until the following Annual Meeting.
- (b) The Auditor shall perform those duties which are customarily done in the Province of Ontario, of the Dominion of Canada, by professional auditors and shall exercise such care as their profession demands.
- (c) The Auditor shall report in person to the Annual Meeting the condition of the finances and of the financial structure of the Local, for the period covering the fiscal year preceding such meeting, in a form consistent with the demands of the Constitution and in a form possible of being interpreted by the members of the Local. Such a report shall be in a form which meets the generally accepted requirements of the accounting profession.
- (d) The Auditor shall state in his/her report whether in his/her opinion the financial statements referred to therein present fairly the financial position of the Local and the results of its operation for the period under review, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.

- (e) The fiscal year of this Local Union shall begin with January 1st and end with December 31st of each year. The division of the year into quarters shall be:
 - First Quarter - January, February, March
 - Second Quarter - April, May, June
 - Third Quarter - July, August, September
 - Fourth Quarter - October, November, December
- (f) All members receiving remuneration from Local 113 shall have their names and remuneration received listed in the financial statements.

- (g) The Wardens shall be appointed by the President/Business Agent at the General Membership Meeting following the Triennial election for the duration of the President/Business Agent's term of office.
- (h) The Wardens shall receive for services, one day per month at the rate set out in Schedule "B" for general Union duties and such lost time as the President/Business Agent may authorize.

Section 7 - Warden

- (a) There shall be two (2) Wardens appointed, one (1) from Transportation who will be responsible for the transportation meetings, and one (1) from Maintenance who will be responsible for the maintenance meetings. Both Wardens will be jointly responsible for the General Meetings.
- (b) The Wardens shall restrict admission to meetings of the Local to members in good standing and to such other person(s) as may on the authority of the President/Business Agent, be admitted.
- (c) The Wardens shall extend those courtesies, and exercise the authority necessary for proper supervision of admission to meetings of the Local, and shall be subject to the direction of the President/Business Agent, to whom he/she may appeal for direction, in all of his/her actions as Officer.
- (d) The Wardens shall be responsible for directing the member to sign the register of attendance.
- (e) In the absence of the Senior Officers and all Executive Board Members, the Wardens shall assume the duties and responsibilities of the Local Union office.
- (f) The Wardens shall resign their position in order to qualify as a candidate for any elected office.

ARTICLE IX - ADDITIONAL FUNCTIONS

Section 1 - Conventions

- (a) The Local may participate in such conventions as may be called from time to time.
- (b) A record of all elected convention delegates and alternates will be maintained.
- (c) Whenever a convention call is received by the Secretary-Treasurer, he/she shall report such call to the next General Membership Meeting, including all information available as to delegates required.
- (d) The President/Business Agent, Executive Vice-President, Assistant Business Agents, Secretary-Treasurer and Board Members shall attend the Canadian Council (CC) by virtue of office. Ballots issued for Officers and Board Members shall state "and Canadian Council delegates". In the event there are insufficient Officers and Board Members to give Local Union 113 full and proper representation at the International Convention and the Canadian Council (CC) all qualified members shall be eligible to be candidates for election as delegates. At the time of each convention call, all delegates or alternates must meet qualifications referred to in the Local 113 By-Laws and Constitution and General Laws. In the event of vacancy, the first alternate and any subsequent alternate will fill the vacancy as required. All delegates shall be qualified, having met the meeting requirements, at the time of each convention call.
Note: There shall be no meeting requirements for International Convention Delegates.
- (e) Delegates attending conventions or other Union functions in the U.S.A. Shall be paid in U.S.A. currency or the equivalent sum in Canadian Funds.
- (f) Delegates to conventions shall on each day, at a time and place predetermined report to the President/Business Agent, or his/her designate, and shall be instructed in their duties for that day. On returning from any convention, the President/Business Agent, or his/her designate, shall provide a report to the next General Membership Meeting.
- (g) All resolutions to be submitted by the Local to a convention, must be submitted to a General Membership Meeting of the Local as an Executive Board recommendation or a Notice of Motion.
- (h) All members who are delegated to attend a convention must support any resolutions submitted by the Local.
- (i) At any convention, the President/Business Agent or his/her designate, or a majority of delegates shall have the right to call a caucus of the Local 113 delegates. The final decision of such a caucus, reached by resolution, shall be binding on all Local 113 delegates.
- (j) Expense monies shall be set aside to defray the cost of room rentals for Local 113 caucus meetings during any convention.
- (k) Members of Local 113 who request guest credentials for any convention or congress shall pay such registration fees as are necessary, and shall be reimbursed the same amount upon attendance at such convention or congress up to the number eligible, upon prior approval of a General Membership Meeting.

Section 2 - Travel

- (a) Officers and Executive Board Members and/or elected delegates who are on Union functions for the Local and/or delegates to conventions and/or seminars and/or conferences travelling outside the Province of Ontario and/or three hundred (300) kilometres or more shall be provided with economy air fare booked and purchased by the Local and individual hotel accommodation booked and paid for by the Local.

- (b) When two (2) or more of the Senior Officers of the Local are traveling by air, proceeding to or returning from any convention or assignment on the instructions of Membership, they shall proceed and return by separate flights, where possible.
 - (i) When an alternate form of transportation is opted for, compensation for travel will be no greater than the cost of "economy class" air fare paid for by the Local for that destination.

Section 3 - Expenses

- (a) Delegates to conventions for Union functions shall be paid an allowance as set out in Schedule "B" of these By-Laws. Such allowance shall be paid for each of the actual days required to register, travel to, attend and return from a convention or Union function.
- (b) Expense allowances shall be paid for all personal expenses of delegates except transportation costs to and from the convention or function.
- (c) Any Officer or Local Union 113 attending any A.T.U. function, i.e. International Executive Board, Canadian Council, and receiving pay and/or allowances for attending such functions shall have the right to elect to take whichever pay and/or allowances is greater than that allowed him/her under the By-Laws of Local Union 113 and in NO case shall he/she be entitled to both.
- (d) Officers attending any pension conference/function shall do so at no expense to the Local save and except for per diem and lost time.
- (e) The General Meeting resolving the matter concerning expense monies not covered by these By-Laws, shall have before it the recommendation of the Executive Board. The decision of this General Meeting shall be communicated to the Auditor in order that he/she may have it before him/her in making the audit.

- (f) In addition, members elected or appointed as Executive Board delegates, shall receive payment for lost time at the per diem rate for general duties, as set out in Schedule "B" of these By-Laws, for each of the actual days required to register, travel to, attend and return from the convention or other Union function.
- (g) Members who are elected or appointed to attend seminars or conferences in the Greater Toronto area shall receive an expense allowance as set out in Schedule "B" of these By-Laws.

Section 4 - Negotiations with Employer

- (a) The Local Union may, upon resolution of a General Membership Meeting or Special Meeting (called during negotiations for a purpose which permits the resolution) authorize the method of negotiation (including Conciliation or Arbitration) in reference to any improvement which the Local is seeking or any dispute to which the Local is a party.
- (b) During negotiations, when an Executive Board Member goes on vacation or resigns, the Executive Board, as a whole, will cover his/her department and/or locations.
- (c) An allowance of thirty dollars (\$30.00) per day for meals shall be paid to the Negotiation Committee and/or Executive Board while meeting with the employer during negotiations.

ARTICLE X - COMMITTEES

Section 1 - General

- (a) The President/Business Agent, or his/her designate, shall be a member of, and preside over, all committees of the Local, except the joint Health and Safety Committees.
- (b) Standing committees shall draw up the rules and regulations governing their committee, which shall be subject to ratification by a General Membership Meeting.
- (c) The chairperson of all committees shall report to the Executive Board prior to reporting to any meeting.
- (d) All committees shall report to a General Membership Meeting.
- (e) The incapacity of any member of any committee shall be reported by the member(s) of the Local Union who is aware of the incapacity through the Secretary to the meeting of the Executive Board next following the time of receipt by the Secretary of this information, and this meeting shall act in reference to the event as it sees fit, having due regard for the provisions of the Constitution and By-Laws.

Section 2 - Standing Committees

- (a) The following shall be standing committees of the Local:
 - (i) By-Law Committee
 - (ii) Counting Committee
 - (iii) Social Committee*
 - (iv) Womens' Committee*

Special Committees

- (i) Job Action Committee
- (ii) Political Action Committee

- (b) Members of Standing Committees, who are elected or appointed from the General Membership of the Local shall, if such committee normally sits outside of the usual hours of business (0900 - 1700 hrs.), be entitled to the committee members allowance as set out in Schedule "B" of these By-Laws. This allowance shall be paid in the month of December and shall be in addition to any lost time authorized by the President/Business Agent and Executive Board.
- (c) ***The By-Law Committee shall:***
 - (i) Be composed of four (4) members elected by and from the General Membership Meeting as per Article V of these By-Laws and the President/Business Agent, or his/her designate.
 - (ii) Periodically review the By-Laws of the Union.
 - (iii) Periodically accept and consider submissions from members and the Executive Board.
 - (iv) Review and/or modify such questions as may be referred to the committee by any meeting of the Local Union.
 - (v) Report the committee's recommendations to the General Membership Meeting as notices of motion.
- (d) ***The Counting Committee Shall:***
 - (i) Be composed of no more than two (2) members, elected when required, by and from the General Membership Meeting of the Local. Any member holding a current elected or appointed union position, must resign in order to contest the position of Counting Committee member, at the time of nomination.
 - (ii) Work under the direction and supervision of the Chief Returning Officer or his/her designated deputy.
 - (iii) Receive for services on the day of the vote, for all across property votes the per diem rate for general

Union duties as set out in Schedule "B" of these By-Laws.

(e) **The Job Action Committee shall:**

- (i) Be comprised of six (6) Shop Stewards, three (3) each from the Maintenance and Transportation Departments appointed by the President/Business Agent.
- (ii) Meet as frequently as possible with the Executive Board, during negotiations with the employer, to be briefed on such strategies and directions as the Executive Board wishes to communicate to the members.
- (iii) Direct all members as to job action responsibilities. Provide support and encouragement on picket lines or at work locations and report to the Executive Board accurately on the activities and morale of the members.
- (iv) Visit the picket lines of other Labour Unions as directed by the President/Business Agent and the Executive Board.
- (v) Perform such other duties as may be designated, from time to time, by the President/Business Agent and Executive Board or by resolution of a meeting of the Local Union.

(f) **The Political Action Committee shall:**

- (i) Be composed of up to four (4) members of the Local appointed by the President/Business Agent.
- (ii) Be chaired by the President/Business Agent or his/her designate, who shall instruct the committee members in their duties.
- (iii) Gather research on and formulate opinions about candidates in Municipal, Provincial and Federal elections, and shall report their findings to the General Membership Meeting.

- (iv) Assist the Executive Board of the Local in lobbying Municipal, Provincial and Federal Legislators.
- (v) Propose to the General Membership Meeting on the disposition and/or distribution of monies collected by the C.O.P.E. Fund of the Local.

(g) **The Social Committee shall:**

- (i) Be composed of the President/Business Agent or his/her designate, the Secretary-Treasurer and eight (8) members. Two (2) members shall be appointed from the Executive Board, one (1) from each of the Maintenance and Transportation Board Members; six (6) members shall be elected from the General Membership, two (2) from Maintenance and four (4) from Transportation, as specified in Article V of these By-Laws.
- (ii) Be responsible to run various functions to raise money for the A.T.U. Multiple Sclerosis Research Fund Inc.
- (iii) Assist Local 113 to run a golf tournament.
- (iv) Work with and/or supervise unpaid volunteers who may be invited to assist the committee in any event they are sponsoring for A.T.U. Multiple Sclerosis Research Fund Inc.
- (v) Operate the retired members party and such other events as designated by Membership as well as being responsible for the sale of all tickets for any such event(s).

- (h) The Secretary-Treasurer shall be a non-voting member of the Social Committee.

(i) **The Womens' Committee shall:**

- (i) Be composed of the President/Business Agent, or his/her designate and six (6) female members of the Local Union, four from the Transportation and two (2) from Maintenance.
- (ii) Address and report to the General Membership

Meeting of the Local on issues which primarily concern female workers.

- (iii) (a) The Women's Committee shall attend the Annual Meeting of the A.T.U. International Women's Caucus.
- b) Two (2) rotating members and the Officer chairing the committee shall attend such other seminars, forums and or conventions to which the Local may be invited. When the Officer is unable to attend, an alternate Women's Committee member shall attend in his/her place.

Section 3 - Special Committees

- (a) A Special Committee is a committee the authority of which is created and the duty of which is defined by resolution of a General Membership Meeting.
- (b) It is further provided that the resolution creating such a committee shall state specifically the limit of the authority and the number of members of the committee, exclusive of the President/Business Agent.
- (c) Committee members, except the President/Business Agent, shall be elected or appointed as set out in Article V of these By-Laws.
- (d) The Order of Business of a Special Meeting shall be:
 - (i) Call to Order by President/Business Agent.
 - (ii) Roll Call of Committee Members.
 - (iii) Reading of Minutes.
 - (iv) Determination of Action.
 - (v) Adjournment.
- (e) Where the circumstances leading up to the creation of a Special Committee are such that the Committee may be required to have more than one (1) sitting, the Committee shall appoint or elect a Secretary of the Committee, who shall make monthly progress reports to the General

Membership Meeting of the Local. When no progress report has been made for three (3) consecutive General Membership Meetings, the Special Committee shall be deemed lapsed.

Section 4 - Health and Safety Committees

- (a) The election of Worker Committee Members to joint Occupational Health and Safety Committees shall be supervised by Local 113 in accordance with Article V of these By-Laws.
- (b) Worker Committee Members who transfer and/or move for any reason from one (1) division or location to another on a permanent basis shall be deemed to have resigned their position.
- (c) Where not otherwise prohibited by the Occupational Health and Safety Act of Ontario, the Shop Steward in each location shall be appointed to the Committee and may act as Co-Chairperson.
- (d) In the event of a resignation or transfer during the term of office the runner-up will serve for the balance of the term.
- (e) In the event of no runners up, the President/Business Agent in consultation with the area Board Member shall appoint a Worker Committee Member to fill the balance of the term.

Section 5 - Multiple Sclerosis

- (a) It is hereby adopted the official charity of Local Union 113 of the Amalgamated Transit Union shall be A.T.U. Multiple Sclerosis Research Fund Inc.
- (b) Monies shall be raised through various means and shall be donated to the A.T.U. Multiple Sclerosis Research Fund Inc. to help victims of Multiple Sclerosis, a debilitating disease.
- (c) Voluntary contributions by members to the A.T.U. Multiple Sclerosis Research Fund Inc. may be made through the Local Union office.

Section 6 - C.O.P.E.

It is hereby provided that an account be established by Local Union 113 for the deposit of contributions by members and such account shall be known as the C.O.P.E. Fund at one dollar (\$1.00) per member per year. A portion of the Locals' C.O.P.E. Fund may be directed to the Canadian Council of the A.T.U.

Section 7 - Labour Studies

- (a) Members in good standing, who attend Labour Study courses approved by Local 113, and who are granted permission by a General Membership, prior to attending, shall be reimbursed for the cost of the course and approved text books, upon attending seventy-five percent (75%) of classes.
- (b) When classes in Labour Education are offered by the Local to Shop Stewards and members within the Local, qualified instructors, who are members of Local 113 in good standing, shall be used as Instructors, where possible.

ARTICLE XI - DEFENCE FUND

Section 1 - General

- (a) The Defence Fund is for the purpose of protecting the members of Local 113 and defraying the legitimate expenses of members on strike and lock out, and for conducting strikes and lock outs authorized by this Local, for the purpose of protecting the Membership through participation in Metropolitan area planning; for the purpose of protecting the Membership in cases involving raids from within or from outside groups, and for the purpose of protecting the Membership through promoting legislation favourable to the interests of the Membership, or for other expenses connected with any of the above purposes. The Defence Fund shall cover all grievances, disputes and arbitration costs. The Defence Fund shall be maintained as a restricted Fund in which all active members shall participate. The Defence Fund will be maintained separately from Local 113's other Funds, and will be maintained as a Trust Fund to be used for the purposes set out above. The direction of this Fund shall be under the supervision and direction of Local 113's Executive Board and audited as part of the Financial Statements of Local 113.
- (b) Strike Benefits of Two Hundred Dollars (\$200.00) shall be paid to all active members at the end of the first week and every week thereafter. Members must report for assigned picket duties to receive Strike Benefits. Strike Benefits will be reduced in proportion to the length of the strike.
- (c) An assessment of Five Dollars (\$5.00) a week will be levied on all active members. The assessment will stay in effect until the Fund has reached Four Million Dollars (\$4,000,000.00) at which time the assessment will cease.

If the Defence Fund falls below Three Million Dollars (\$3,000,000.00) the assessment will start again.

- (d) When the Defence Fund has reached Four Million Dollars (\$4,000,000.00) all monies over that amount, once a year will be returned back to all active members.

SCHEDULE "A" ELECTION FORMS AND MATERIALS



AMALGAMATED TRANSIT UNION
Local Union 113

We hereby nominate Brother/Sister.....Badge #.....
as:

Nominated by (*print name*).....Badge #.....
(signature).....

Seconded by (*print name*).....Badge #.....
(signature).....

Signature of candidate.....

Address of candidate.....

Phone.....

It is each candidate's responsibility to ensure that his/her nomination form is completed and signed in his/her own handwriting except for the nominator and seconder who must sign and print their names. The candidate will then deposit nomination form in the locked box at the Local Union Office prior to 1300 hrs. on the day designated as nomination day.

SCHEDULE "A" ELECTION FORMS AND MATERIALS

SAMPLE BALLOT – TRANSPORTATION
AMALGAMATED TRANSIT UNION, LOCAL 113

BALLOT FOR

TERM: 3 YEARS #1 TELLER INITIALS

DIRECTIONS TO VOTE: IT IS IMPORTANT TO COMPLETELY FILL IN THE OVAL
BESIDE THE NAME OF THE CANDIDATE OF YOUR CHOICE.

THE EXECUTIVE BOARD SHALL ATTEND THE CANADIAN COUNCIL
CONVENTIONS BY VIRTUE OF OFFICE.

PRESIDENT/BUSINESS AGENT <i>ONE (1) TO BE ELECTED</i>	EXECUTIVE VICE-PRESIDENT <i>ONE (1) TO BE ELECTED</i>	SECRETARY-TREASURER <i>ONE (1) TO BE ELECTED</i>
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John

ASSISTANT BUSINESS AGENT - TRANSPORTATION - <i>ONE (1) TO BE ELECTED</i>	EXECUTIVE BOARD MEMBER <i>ONE (1) TO BE ELECTED</i>	SHOP STEWARD <i>ONE (1) TO BE ELECTED</i>
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John

SCHEDULE "A" ELECTION FORMS AND MATERIALS

SAMPLE BALLOT – MAINTENANCE
AMALGAMATED TRANSIT UNION, LOCAL 113

BALLOT FOR

TERM: 3 YEARS #1 TELLER INITIALS

DIRECTIONS TO VOTE: IT IS IMPORTANT TO COMPLETELY FILL IN THE OVAL
BESIDE THE CANDIDATE OF YOUR CHOICE.

THE EXECUTIVE BOARD SHALL ATTEND THE CANADIAN COUNCIL CONVENTIONS
BY VIRTUE OF OFFICE.


PRESIDENT/BUSINESS AGENT <i>ONE (1) TO BE ELECTED</i>	EXECUTIVE VICE-PRESIDENT <i>ONE (1) TO BE ELECTED</i>	SECRETARY-TREASURER <i>ONE (1) TO BE ELECTED</i>
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John

ASSISTANT BUSINESS AGENT - MAINTENANCE - <i>ONE (1) TO BE ELECTED</i>	EXECUTIVE BOARD MEMBER - AT LARGE - <i>ONE (1) TO BE ELECTED</i>	EXECUTIVE BOARD MEMBER <i>ONE (1) TO BE ELECTED</i>
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John
<input type="radio"/> DOE, John	<input type="radio"/> DOE, John	<input type="radio"/> DOE, John

SHOP STEWARD <i>TWO (2) TO BE ELECTED</i>
<input type="radio"/> DOE, John
<input type="radio"/> DOE, John
<input type="radio"/> DOE, John

**SCHEDULE "A"
ELECTION FORMS AND MATERIALS**

Ballot for handcount (sample)

Amalgamated Transit Union-Local 113 <h1 style="margin: 0;">BALLOT</h1> FOR OFFICE CONTESTED	
DOE. BRENDA	<input type="radio"/>
DOE. JOHN	<input type="radio"/>
DOE. KEN	<input type="radio"/>
MARK YOUR BALLOT WITH AN 1 TO BE ELECTED	
	

**SCHEDULE "B"
PER DIEM RATES AND ALLOWANCES**

LOCAL 113 PER DIEM RATES - APRIL 2005

President/Business Agent	\$352.00
Executive Vice-President	\$340.00
Secretary-Treasurer	\$340.00
Assistant Business Agents	\$330.00
Executive Board Members	\$315.00
Chief Returning Officer	\$298.00
General Union Duties	\$283.00
Half Day per Diem	\$142.00
(per diem paid to the nearest dollar)	

ALLOWANCES - APRIL 2005

Monthly Expense Account for Each Senior Officer	\$80.00
Monthly Expenses for Each Member of The Executive Board	\$80.00
Monthly Car Allowance for Each Member of The Executive Board	\$321.00
Monthly Shop Steward Allowance Refer to Article vi, Section 4 (a) (i) (ii)	
Annual Committee Members Allowance	\$398.00
Daily Convention Expenses	\$232.00
Daily G.T.A. Expenses	\$50.00

All above allowances to increase by contractual percentage to the nearest dollar.

**SCHEDULE "C"
DUES BREAKDOWN AND INITIATIONS**

UNION DUES AS OF APRIL 2005

Breakdown of Union Dues

International per Capita Tax (deposited by International at Windsor, Ontario) for Use of Canadian Expenses.....	\$9.75
General Administration Fund	58.75%
Funeral Benefit Fund.....	31.00%
International Retirement Funds	2.50%
International Defence Fund	5.00%
In Transit Magazine	2.75%
Canadian Labour Congress	0.67
Total	\$9.75

Local Dues Breakdown

General Expense Fund.....	\$41.40
Canadian Council, A.T.U.....	1.27
Ontarion Federation of Labour.....	0.63
Metropolitan Labour Council	0.47
Total	\$43.77
Grand Total.....	\$53.52
Initiation Fee.....	\$300.00
(four installments of \$75.00)	

**SCHEDULE "D"
MAINTENANCE BOARD LOCATIONS**

Equipment "A"

Executive Board Member shall represent maintenance workers located at:

Arrow Road, Birchmount, Eglinton, Lakeshore, Malvern, Queensway and Wilson Garages.

Equipment "E"

Executive Board Member shall represent maintenance workers located at:

Davisville, Greenwood and Wilson Carhouses, Materials, McCowan, Roncesvalles, Russell and Greenwood Shops.

Hillcrest Complex

Executive Board Member shall represent maintenance workers located at:

Harvey Shop, Duncan Shop (excluding Materials) and Cost Centes 712, 713, 715, 719, and 741.

Plant Department

Executive Board Member shall represent maintenance workers located at:

Plant Department Cost Centres 714, 716, 718, 733, 735 736, 744, 745, 1305, and 2802.

Executive Board Member at Large

Executive Board Member shall represent all maintenance workers as directed by the President/Business Agent.

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