

	<p align="center"><b>School Division Sector Committee</b> Terms of Reference OR BY-LAWS</p>
	<p>Pending approval by CUPE Manitoba</p>
	<p>Last amended: 2014 Conference</p>

**Article 1 – Name**

This organization shall be known as the School Division Sector, a committee of the Canadian Union of Public Employees (CUPE) in Manitoba, hereinafter referred to as “The Committee”.

Membership to this organization will be open to all local unions in the education field.

**Article 2 – Objectives**

The objectives of the Committee shall be:

1. To unite the educational employees of Manitoba through the facilitation of discussion, communication, political action, collective bargaining and membership education.
2. To, at all times work for the good and welfare of the members of the educational local unions and for the support of the programs of CUPE Manitoba.
3. The Committee shall take all possible steps to establish close cooperation and communication between educational local unions in Manitoba.
4. The CUPE Coordinator(s) of the School Division Sector Locals within Manitoba shall act as liaison to the Committee and may be present at all meetings held by the Committee.

**Article 3 – Annual Conference**

1. A conference of Manitoba School Division Local Unions shall be held annually.
2. A quorum shall consist of fifty (50%) percent of registered eligible delegates for the Annual Conference. This quorum must also include at least four (4) members of the School Division Sector Executive.
3. The Committee shall set the program, time and place of the annual conference with the conference location being rotated.
4. The conference call shall be in the hands of the local unions at least ninety (90) days prior to the date of the conference.

5. The number of delegates who may attend Manitoba School Division Committee conferences shall not be limited and they shall be seated for all conference proceedings. The number of voting delegates for elections shall be determined by the paid up membership including Rand Formula payees to the end of the month previous to the month in which the conference call is sent out.
6. Credentials Committee for our Annual Conference – The Vice-Chairperson and one Area Rep from the Executive will form the committee and present the credential report each day of our conference.

Elections shall be held at the annual conference in accordance with Article 5(1). To be eligible for election, a person must be an elected delegate from an education sector local union affiliated to CUPE Manitoba. The election will be held on the last day of the conference and be conducted by a secret ballot vote. In the event a voting delegate has to leave prior to the end of the conference the local can request to have a non-voting delegate status changed to a voting delegate. The delegate leaving early must turn in their credentials to the Chair prior to leaving the conference. Upon receiving the leaving delegates' credentials the chair will have a delegate credential issued as per the locals request.

Representation by local unions or units (based on the school year September to June) shall be:

Up to 50 members	-	2 delegates
51 – 100 members	-	3 delegates
101 – 150 members	-	4 delegates
151 – 200 members	-	5 delegates
201 – 250 members	-	6 delegates
251 – 300 members	-	7 delegates
over 300 members	-	one additional delegate for each 100 members or portion thereof.

6. Each local union shall be responsible for payment of registration for each voting delegate or non-voting delegates and registration fees shall be submitted to the Treasurer of CUPE Manitoba before commencement of the conference. If a delegate(s) is unable to attend the Annual Conference, a refund will be provided to the Local, provided CUPE Manitoba receives at least three weeks' notice prior to the start of the Annual Conference.
7. The President of CUPE Manitoba or the President's designate shall be an accredited delegate to all conferences.
8. The annual conference shall be governed by Rules of Order in accordance with appendix "A" attached hereto and forming part of these by-laws.

9. The Chairperson may exercise his/her prerogative, and where he/she deems it advisable, he/she may waive the Rules of Order in order that a point of interest may be made by a delegate.
10. New members on the School Division Committee Executive shall be provided with all relevant protocols as established by the School Division Committee.

#### **Article 4 – All Members Meeting**

All Members Meeting will be held once a year with the meeting location to be rotated annually. The meeting will be held a minimum of six weeks prior to CUPE Manitoba Convention to ensure our Sector resolutions are received by CUPE Manitoba by resolution deadline. All School Division Sector members are entitled to attend the meeting and have voice. Each local will have voting representation based on the number of members in their local (Article 3). Voting cards will be issued to the members selected by their local. Only members with voting cards will be eligible to vote. Only 1 voting card will be issued to a member.

#### **Article 5 – Committee Representation**

1. In the even numbered years the conference delegates shall elect from its members the chairperson of the Committee and in the odd numbered years the conference delegates shall elect from its members the vice-chairperson and secretary of the Committee.
2. CUPE MSBA Non-Teaching Employees' Pension Plan Representatives shall be elected to a two (2) year term. There shall be two (2) representatives and one (1) shall be elected each year.
3. CUPE MSBA Non-Teaching Employees' Group Insurance and Long Term Disability Representative shall be elected to a two (2) year term on the even years.
4. Area Representatives shall be elected in even years, to a two (2) year term to represent the following areas. There shall be one (1) representative for each area other than the Winnipeg area. The Winnipeg area shall be comprised of two (2) representatives and one (1) shall be elected each year.  
The Area Rep shall be elected at area meeting held during our Conference at a time designated by the Executive.
5. Two delegates shall be elected to a two year term, with one elected each year, to represent CUPE members at provincial meetings regarding School Division Amalgamations.
  - a) **Northern Area** with the following boundaries:

East	-	Lake Winnipegosis
North	-	Border
West	-	Saskatchewan Border
South	-	Riding Mountain Park

- b) **Brandon Area** with the following boundaries:
      - East - Highway 34
      - North - Riding Mountain Park
      - West - Saskatchewan border
      - South - American Border
    - c) **South Central Area** with the following boundaries:
      - East - Ontario Border
      - North - Highway #1
      - West - Highway #34
      - South - American Border
    - d) **Interlake Area** with the following boundaries:
      - East - Ontario border
      - North - Northern Area Boundary
      - West - Lake Manitoba
      - South - Highway #1
    - e) **Winnipeg Area** with its boundaries being the Perimeter Highway.
- 7. The CUPE Coordinator(s) of the School Division Sector Locals within Manitoba shall act as liaison to the Committee and may be present at all meetings held by the Committee.
- 8. Other Members
  - Where an area in the scope of the Committee is not represented on the Executive Committee as an area member, the Committee may appoint a member to represent such an area.
- 9. Structure of the Executive Committee
  - Chairperson
  - Vice-Chairperson
  - Secretary
  - Area Representatives
  - CUPE Staff who are servicing School Division Locals (non-voting members)
- 10. Vacant ~~Executive Committee~~ **Table Officer/Executive Committee** Positions  
 In the event that vacancy in the office of the Chair occurs in between conferences due to death, resignation, or other cause, the position shall be filled by the Vice-Chair. If the Vice-Chair is unable to fill the Chair's position for the entire remaining term, the Executive shall appoint a Chair from among the members of the Executive until a by-election can be held at the next annual conference.

In the event that a vacancy occurs in any other position in between conferences, the Executive shall fill the vacancy by majority vote of all its members for the

period the unexpired term. If an Area Rep position becomes vacant all locals in the area affected shall be consulted as to a nomination for the vacant position. The Executive will then fill the position from the nominations received until a by-election can be held at the next annual conference.

11. Should any Executive member, elected to the Executive Committee fail to answer the roll call for three (3) consecutive Executive Meetings without having good and sufficient cause, acceptable to the Executive Committee, the position shall be declared vacant and filled in accordance with #10.

## **Article 6 – Committee Meetings and Duties**

1. The Executive Committee shall meet at least three (3) times per year. The Executive Committee shall conduct all business referred to it by the annual conference, and shall, in the interval between conferences, have full and complete charge of all business.
2. Quorum for an Executive Meeting shall consist of fifty (50%) percent of the Executive Members including two Table Officers.
3. The Committee, or the annual conference, recognizing the autonomy of local unions shall have no right or authority to bind local unions to any course of action or decision of the Committee or annual conferences unless such decision is ratified by the local unions concerned.
4. The members of the Committee or the Committee as a whole shall recognize and respect each Local's autonomy. The Chairperson may call up to three (3) meetings of the Table Officers annually, to conduct business expediently, with costs borne as per Article 8, Section 2 of these by-laws, and with all undertakings of the Table Officers to be ratified by the Executive Committee at the next regular meeting.
5. **Annually the Executive Committee will apply to the Minister of Education and Advanced Learning requesting the proclamation of the School Support Staff Recognition Week to be recognized on or about the last week of September each year.**

## **Article 7 – News Bulletins, Reports and Publications**

1. The Committee may, from time to time publish reports, pamphlets, newsletters, etc. in order to acquaint local unions with urgent problems or to convey information to the local unions.
2. Conference Report

- A summary of the proceedings of the annual conference shall be prepared by the Table Officers and/or the Executive Committee and forwarded to all locals as soon as possible following the conference.
3. School Division Sector Web Site

### **Article 8 – Amendments to the By-Laws**

These by-laws, or any of its clauses, may be amended at any regular annual conference by form of resolutions, or Committee recommendation and being approved by a two-thirds majority vote of the delegates present at the annual conference, provided however, that such amendments do not conflict with the Constitution of the Canadian Union of Public Employees or CUPE Manitoba and shall be subject to approval by the CUPE Manitoba Executive & CUPE National.

Once approved by CUPE National, our Term of Reference shall take effect and a copy will be mailed to every local and/or posted on our website.

### **Article 9 – Financing**

1. This Committee will be financed by CUPE Manitoba subject to our Action Plan being submitted annually by December 31 to CUPE Manitoba. Expenditures of the Committee will be approved by the Executive Committee subject to the review by the CUPE Manitoba Executive.
2. All expenses will be paid out in accordance with Sections 6, 7 and 8 of the CUPE Manitoba Policies, in accordance with Article IX of the CUPE Manitoba Constitution.
3. The cost of accommodations and transportation for Table Officers to attend the Annual Conference shall come out of the Conference funds.

The Chair in consultation with the CUPE Manitoba Executive Assistant will arrange for hotel accommodations for Table Officers attending a School Division Sector meeting requiring an overnight stay. Table Officers choosing to stay at another hotel will be responsible for any additional cost incurred.

4. **Voluntary Per Capita**  
Any Voluntary per capita paid by Locals for the School Division Sector shall be used to support the decisions of the School Division Sector-Executive committee with up to 1/3 of the Voluntary per capita given to support a Local (s) attending our annual conference, and reported back to the membership at the next annual conference. For the purpose of Voluntary per capita a year is from ~~July 1–June 30~~ **January 1–December 31.**

The Executive shall consider all applications for financial assistance from locals attending our annual conference. Applications for financial support must be received thirty (30) days prior to the start of our conference on the application form provided with the 1st call to our conference. Local (s) receiving financial support will be contacted by the Chair one week after the deadline. Local (s) receiving financial support will be announced the first day of our conference.

A request will be issued annually to each member local asking for a voluntary per capita of \$2.00 per member to a maximum of \$500.00. Per capita may be paid directly to CUPE Manitoba in trust to the School Division Sector; or may be expenses paid for Executive Committee members attending meetings.

### **Terms of Reference Amendments**

1. Amendments to our Terms of Reference will be made at our annual conference.
2. No less than ninety (90) days prior to our Annual Conference, notice shall be provided in the first call to the Locals, advising they may submit Terms of Reference amendments to the Executive Committee.
3. Thirty (30) days prior to our Annual Conference, the amendments will be circulated to all locals, providing the amendment do not conflict with the CUPE Constitution.
4. Once approved by the delegates, the Terms of Reference changes shall be forwarded by the Chairperson to the President of CUPE Manitoba.
5. Once approved by CUPE Manitoba Executive, the Terms of Reference shall be forwarded by CUPE Manitoba President to the National President for approval
6. Staff advisors will assist in processing the Terms of Reference as requested.

### **Duties of CUPE Manitoba School Division Sector Committee Members**

#### **Chair**

- Maintain contact with Executive Committee and provide direction to Committee members
- Preside at all meetings;
- Preserve order and enforce the Constitution and bylaws;
- Sign as a signing officer for all expense statement;
- Prepare School Division Sector Action Plan and submit to CUPE Manitoba by the end of the calendar year
- Prepare School Division Sector Report to CUPE Manitoba Convention
- Call Table Officer and Executive Committee meetings and prepare agenda for meetings
- Request CUPE Manitoba to meet with Government to discuss issues regarding School Division Sector.

### **Vice Chair**

- Shall preside and perform the duties of the Chair in the absence of the Chair
- If the position of Chairperson falls vacant, act as Chairperson until a new Chairperson is elected
- Oversee the School Division Sector Web site
- Perform other duties as directed by the Chair and Executive Committee

### **Recording Secretary**

- Keep full, accurate and impartial account of the proceedings of all Sector meetings and Executive Committee meetings
- Record all alterations in the Terms of Reference
- Ensure all motions and directives are processed on a timely basis
- Ensure meeting agenda and attachments are distributed to executive members, prior to the scheduled meetings

### **Area Reps**

- Maintain contact with locals in their area
- Maintain a current contact list for their area locals
- Attend School Division Sector Meetings either in person or via conference call as per the direction of the School Division Sector Chair
- Prepare a report for each local to circulate at School Division Sector meetings

### **Pension Representative**

- Attend all meetings of the MSBA Pension Committee. Prepare a written report after each meeting and send to Chair of School Division Sector.
- Discuss all matters brought forward in regard to MSBA pension
- Meet with pension managers to find out how they are doing in producing a positive return
- Present a yearly report at School Division Sector Conference
- Provide the chair with an update for each School Division Sector Executive Meeting.

### **Group Life Representative**

- Attend meetings in Winnipeg approximately four times per year. Prepare a written report after each meeting and send to CUPE MB School Division Sector Chair.
- Sign a trust agreement and abide by all the rules associated with a trust
- The Position is not entitled to a vote, so your primary function is to provide information and safeguard the rights of our members
- Present a yearly report at School Division Sector Conference
- Provide the chair with an update for each School Division Sector Executive Meeting.



## **Rules and Order of Business**

The rules and order of business governing conferences shall be:

1. The Chairperson, or in his/her absence, or at his/her request, a Vice-Chairperson shall take the chair at the time specified at all conferences. In absence of both the Chairperson and his designated representative, the School Division Committee Executive shall choose a Chairperson.
2. No question of religious character shall be discussed.
3. Speeches shall be limited to five (5) minutes except in the moving of a motion when the delegates shall be allowed ten (10) minutes.
4. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
5. A delegate shall not interrupt a speaker except to call a point of order.
6. If a delegate is called to order he/she shall, at the request of the chairperson, take his/her seat until the question of order has been decided.
7. Should a delegate persist in unparliamentarily conduct, the Chairperson may be compelled to name his/her and submit his/her conduct to the judgment of the conference. In such case the delegate whose conduct is in question shall explain and then withdraw, and the conference will decide what course to pursue in the matter.
8. When a question is put, the Chairperson after announcing the question shall ask, "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
9. Questions may be decided by a show of hands or a standing vote on the basis of one (1) vote per delegate.
10. The Chairperson shall have the same rights as other delegates to vote on any question and in the case of a tie vote, he/she shall also cast the deciding vote.
11. A delegate shall not move a motion to refer back after he/she has spoken on the question at issue.
12. A motion to refer back is not debatable and when properly seconded the question shall immediately be put to the conference.
13. If a report is adopted it becomes the decision of the conference.
14. When a question is pending before the conference, no motion shall be in order except - to refer - to adjourn - for the previous question - to postpone for

definite time. If any of the forgoing motions is negated, it cannot be renewed until after an intermediate proceeding.

15. A motion may be reconsidered providing the mover of the motion to reconsider voted with the majority, and a notice of motion is given for consideration at the next sitting, and said notice of motion is supported by two thirds of the delegated qualified to vote.

## **Appendix "B"**

### **Area Representative Protocol**

The Area Representatives for the CUPE School Division Sector are elected to act as communicators in their respective regions. The following procedures should be observed:

1. Contact with the Locals in the Region
  - a) Develop a contact list – President and Secretary of each local (home and work numbers and best time to contact)  
Develop a matrix to use with each contact (sample attached to this document)  
Develop a time schedule and advise the Local contact when you will be contacting them (possibly once every two months)
  - b) When making the initial contact, introduce yourself and explain what the School Division Sector is: A committee of the Manitoba Division of CUPE struck to serve as a communication vehicle for all School Division Locals to address common concerns and problems through coordinated bargaining strategies.  
Explain your role: to gather information regarding each Local's concerns, ascertain if Locals need assistance from other School Division Locals, share the information at the School Division Sector meetings, and develop strategies to deal with common issues and concerns.
2. Area Representative Protocol
  - a) Information Gathering  
You are calling to obtain information about the Local and the concerns they have, and to provide support and encouragement, but not to dispense advice. Refer any questions regarding operational concerns to the Local's National Representative or to the Regional Director.
  - b) A report for each local is to be prepared and circulated for School Division Sector meetings.

**CUPE School Division Sector  
Area Representative Local Contact Matrix**

**Manitoba Division of CUPE**

Do you have any concerns with which they can assist you?

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**Collective Agreement**

When does your Collective Agreement expire?

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Do you have proposals developed for the next round of negotiations, and if so, how do you track them?

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If you are currently negotiating, what are the major issues and key negotiating items?

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How do you keep members informed of bargaining updates?

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**Grievances & Arbitrations**

If you have any currently filed, what type are they?

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If you have any Arbitrations pending, what are they regarding?

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**Local Issues**

Do you have a newsletter? How often is it issued? Do you send it to your National Representative, the CUPE School Division Sector Area Representative, the Regional Director, CUPE Manitoba Division

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What problems are you currently facing? (Contracting out, layoffs, cutbacks)

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**School Division Sector**

Provide information on the upcoming conferences and meetings – dates, locations and times – and encourage Local participation:

Ask if they have suggestions of concerns regarding the School Division Sector?

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