

**Constitution and By-Laws Committee**  
**Minutes of May 25, 2011**  
**CAPE National Office**  
**Boardroom**  
**1:30 p.m.**

**Present:** M. Zinck (Chair), S. Mullen, S. Pichie, A. Picotte, P. Rosen, C. Poirier, C. Danik and D. Martin.

**Apologies:** None.

**1. Approval of Agenda**

M. Zinck added Filling NEC vacancies as item 5 b) under Policies in Development.

Decision by consensus: to approve the agenda.

**2. Approval of Minutes**

It was noted that the last sentence under item 9 should be changed from "March" to "April".

Decision by consensus: to approve the minutes of the March 30, 2011 meeting.

**3. Matters Arising**

**a) By-Law 14 - Suspension due to Absenteeism**

The By-Law was reviewed and additional amendments were made.

**Action:** send to NEC for approval in June.

**b) By-Law 10 amendment in regards to LoP – separate employer status**

It was noted that the By-Law as it reads now excludes former members of the Library of Parliament bargaining unit as they are not considered Public Service employees.

The By-Law was amended as below;

10.1 The National Executive Committee may appoint a **former retired** member of CAPE or its predecessors ~~who has retired from the Public Service~~ as a non-voting advisor to any sub-committee of the Association. Only former members who were members in good standing when they left the Association may be appointed.

**Action:** send to NEC for approval in June.

c) Membership on Committees and sub-committees

Discussion concluded there was no one applicable committee size and the CBC will not pursue the issue further at this time.

d) Process for NEC to submit resolutions

There was a discussion on whether the NEC should submit resolutions to the Elections and Resolutions Committee in regards to the authority/decisions of the Elections and Resolutions Committee over the NEC.

Consensus that this is not an issue.

**4. New business**

a) Local By-Laws for review

A round table discussion took place on this issue.

- It was noted that this will be a very time consuming matter.
- Can a Local challenge a decision made if requested to edit their By-Laws or if they are advised that the By-Laws are not consistent with the National By-Laws?
- What is the process/timeframe for a Local to challenge a decision?
- Could legal counsel review the Local By-Laws? It was noted that it must be the NEC or a delegated sub-committee – refer to clause 20.5 of the Constitution.
- Not all Locals have established By-Laws – do they have to?
- Recommend to the NEC to establish another sub-committee to review Local By-Laws, in accordance with clause 20.5 of the Constitution.

**Action:** bring back for the June meeting along with the draft Framework for Local By-Laws.

**5. Policies in Development**

a) Findings/recommendations from legal counsel in regards to review of the Constitution and By-Laws.

This item was tabled.

b) Filling of NEC vacancies

**Action:** M. Zinck to e-mail Section 19 to the secretary to bring back for the June meeting.

## **6. Adjournment**

The meeting adjourned at 3:05 p.m.