

**Summary of Discussion
Constitution and By-Laws Committee**

October 15, 2008
CAPE National Office
Boardroom
6:00 p.m.

Present: C. Therrien (Chair), M. Mascaro, L. Perrin, A. Picotte, C. Poirier,
D. Martin (Secretary)

Apologies: J. Aggrey (Justified), C. Lakaski (Unjustified), P. Rosen (Justified),
S. Spano (Compassionate Justification)

Guest: Sean McGee, Nelligan O'Brien Payne

1 a) Approval of Agenda

Motion: It was moved by A. Picotte, seconded by C. Poirier, that the agenda be approved. **Carried unanimously.**

1 b) Summary of September 9, 2008

Motion: It was moved by A. Picotte, seconded by L. Perrin, that the summary be approved. **Carried unanimously.**

Constitutional Amendments

6.0

Motion: It was moved by A. Picotte, seconded by L. Perrin, that the preamble be numbered as clause 6.0 and include the following words "makes its decisions by a simple majority of votes, unless otherwise indicated" after the word "(NEC)". **Carried unanimously.**

New 6.0: The National Executive Committee (NEC) makes its decisions by a simple majority of votes, unless otherwise indicated.

6.2

Motion: It was moved by A. Picotte, seconded by M. Mascaro, that the proposed clause 36.3 be renumbered and edited as 6.2 below;

New 6.2: Establish the terms and conditions of office of, as well as the

remuneration to be paid to, all elected officers of the Association, all of which shall be in conformity with the provisions of the Constitution and By-Laws. The NEC may appoint one of its members the responsibility for administering the terms and conditions of office. **Carried unanimously.**

2 a) new Clause 6.11

Motion: It was moved by L. Perrin, seconded by M. Mascaro, that clause 6.11 read "Interpret this Constitution". **Carried unanimously.**

Reconsider recently adopted new clause 6.12

Motion: It was moved by M. Mascaro, seconded by C. Poirier, that clause 6.12 be reconsidered. **Carried unanimously.**

Amended 6.12

Motion: It was moved by M. Mascaro, seconded by A. Picotte that 6.12 be amended as follows:

Refer to legal counsel Constitutional, By-Law, or other legal matters. Any communications containing a legal opinion or legal advice transmitted to CAPE by legal counsel shall be conveyed to the NEC upon receipt. **Carried unanimously.**

2 b) Harassment among National Executive Members or sub-national leadership or regular membership as an offence subject to discipline - **Tabled.**

2c) Time limits for investigative committees and compensation for investigative committee members. - **Tabled.**

2 d) Status of National or Local Executive members subject to reclassification &/or conversion and with respect to Leave &/or Retirement and with respect to Dues and Representation (while on leave) and *Respect for Service*

New clause 17.10

Motion: It was moved by A. Picotte, seconded by C. Poirier, that a new clause 17. 10 be added as follows;

Notwithstanding any other provisions of the Constitution, where the substantive position of any member of the executive is removed from a bargaining unit represented by the Association, that person may remain a member of the executive,

a) so long as the person has not commenced work outside of an Association bargaining unit and

b) until the expiry of the person's term of office or removal from office.

Carried unanimously.

New clause 17.11

Motion: It was moved by A. Picotte, seconded by C. Poirier, that a new clause 17. 11 be added as follows:

The terms and conditions of office of an officer of the Association shall end at the expiry of the term or when that person is removed from office, unless those terms are adopted and approved by the NEC under article 6.2.

Carried unanimously.

2 e) Part-time employment of VP's - Tabled.

2 f) Constitution vs. Employment Contract for Elected 'Staff' -Tabled.

3 a) Conflict of interest articles (note for Sect: from translation) - Tabled.

Adjournment

The meeting adjourned at 9:30 p.m.