



- Draft Resolutions -

OTBU Annual Meeting 2020

CON 101-2020

2/3

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT Article 3, Section 3 be amended by the deletion of "Collective Bargaining"

Rationale: District Collective Bargaining Committee, described on the District Committees page of the website is a misnomer. In the past, meetings posted on the website have actually been meetings attended by Branch Representatives from the Teachers' Bargaining Unit and the focus, therefore, has been on interpretation of and proposals to change the TBU Collective Agreement. Moving forward, although there will continue to be a District Collective Bargaining Committee, meetings, when called, be attended only by bargaining unit presidents and chief negotiators to discuss matters of mutual concern.

CON 102-2020

2/3

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT Article 3, Section 3 be amended by the addition of "Constitution"

Rationale: This is a new District Committee organized to review the Constitutions of the District as well as the Bargaining Units and to provide recommendations

CON 103-2020

2/3

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT Article 4, Section 1 be amended by deletion and substitution with the following:

Amendments to the Constitution may be made at the Annual Meeting of the Unit

- (a) by a two thirds (2/3) vote of the members qualified to vote, present, and voting, provided that;
- (b) notice of the proposed amendment has been given in writing to the District Office Manager at least twenty-five (25) days prior to the next Annual Meeting;
- (c) proposed amendments received in accordance with (b) above will be made available to Members twenty (20) days prior to the Annual Meeting;
- (d) by a nine-tenths (9/10) majority vote of the members qualified to vote, present, and voting if previous notice as in (b) above has not been given;
- (e) proposed amendments received in accordance with (d) above will be made available to Members at the Annual Meeting.

Rationale: As the foundation document of any organization, amendments to the Constitution require a level of consideration that is more stringent than that required to amend a by-law.

BYL 101-2020

1/2

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT Bylaw 1, Section 1(i) be amended by the addition of "Returning Officer"

Rationale: To identify that it is the responsibility of the Executive Committee to appoint a person to oversee elections at the Annual Meeting.

BYL 102-2020

1/2

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT By-law 5, Section 1 (a) be amended by deletion and substitution to read:

When a tentative agreement has been reached, a notice will be posted on the OTBU page of the District website and emailed to each Member on the Unit Member Contact list to notify them of the terms of the new agreement and the dates, times, and locations of an information meeting and a ratification vote;

Rationale: The length of time it takes for mail to be printed and delivered to Members, combined with the need to hold separate information and ratification meetings, is so long as to interfere with the expeditious completion of a ratification vote.

BYL 103-2020

1/2

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT By-law 8 be amended by deletion and substitution to read:

Amendments to the Bylaws and Policies may be made at the Annual Meeting of the Unit:

(a) by a simple majority vote of the members qualified to vote, present, and voting, provided that;

(b) notice of the proposed amendment has been given in writing to the District Office Manager at least twenty (20) days prior to the next Annual Meeting;

(c) proposed amendments received in accordance with (b) above will be made available to Members fifteen (15) days prior to the Annual Meeting;

(d) by a three-quarters (3/4) majority vote of the members qualified to vote, present, and voting if previous notice as in (b) above has not been given;

(e) proposed amendments received in accordance with (d) above will be made available to Members at the Annual Meeting.

Rationale: To amend the by-law with the addition of language specifying that late by-law amendments will be provided to Members at the Annual Meeting.

BYL 104-2020

1/2

Moved by: Avril Burns

Seconded by: Mara Zalcmanis

BIRT By-law 3 be amended by deletion and substitution to read:

Nomination, Campaign, and Election Process

SECTION 1 – Elected Positions

- a) An election for the following positions shall take place at the Annual Meeting:
 - i) Executive Committee
 - a) President
 - b) First Vice President
 - c) Second Vice-President
 - d) Secretary
 - e) Treasurer
 - ii) Additional Representative(s) to the District Council, when the number of OTBU Representatives, as specified in the District Constitution and By-laws, is three or more;
 - iii) Additional delegate(s) to the Provincial Assembly, should F.T.E. permit;
 - iv) Representative(s) to District Committees as specified in Article 3, Section 3.
- b) The term of office shall be for one year commencing on July 1st;
- c) The President-elect shall be made a member (supernumerary) of the Executive immediately following their election.

SECTION 2 – Nominations

- a) All members in good standing of the Unit shall be eligible to stand, make nominations, and vote for elected positions;
- b) The President shall contact all members in good standing by mail or email and post an announcement on the OTBU page of the District website to invite nominations to all available Bargaining Unit positions outlined in By-law 3, Section 1 no later than five (5) weeks prior to the Annual Meeting;
- c) Members may be nominated for up to two (2) different elected positions on the Executive;
- d) The District 13 Office Manager will accept, with the consent of the nominee, nominations in writing, signed by at least two Members in good standing, for all elected positions;
- e) The deadline for on-time nominations shall be two Fridays prior to the Annual Meeting;
- f) It is the sole responsibility of the candidate to ensure that nomination materials are properly completed, received, and filed with the District Office Manager prior to the closing of nominations;
- g) After the deadline specified in (e) above, nominations will be deemed closed for all positions unless there is no nominee for a given position;

- h) The District 13 Office Manager will forward the on-time nominations to the Returning Officer no later than the Tuesday following the on-time nominations deadline;
- i) Nominees and the positions sought shall be posted on the OTBU page of the District website seven (7) days prior to the Annual Meeting;
- j) Where, upon the passing of the deadline for on-time nominations, there is no nominee for a given position, that position will remain open, with subsequent nominations being accepted until the nominations are declared closed by the Chairperson at the Annual Meeting;
- k) Late nominations, including nominations for any position from the floor of the Annual Meeting, shall only be accepted for open positions in writing, with the consent of the nominee, and signed by at least two Members in good standing;
- l) If any positions remain unfilled after the elections process has concluded, the Executive shall solicit nominations and fill the position by appointment.

SECTION 3 – Campaign Rules

- a) Candidates for election may only distribute copies of a single information sheet or pamphlet not to exceed 21.6 cm x 27.9 cm (8.5" x 11") in size to each school not earlier than three (3) weeks prior to the Annual Meeting and must submit their campaign literature to the District Office Manager at least one (1) week prior to distribution to schools;
- b) Campaigning will not be allowed through electronic communication with the exception of InPrint13 and/or the OTBU page of the District website;
- c) Campaign literature will not be posted on the District website prior to the closing of the on-time nominations and must be submitted to the District Office Manager at least one (1) week prior to the nominations deadline;
- d) The campaign literature of candidates who submit late nominations will not be posted on the District website;
- e) Each candidate may place only information sheets or pamphlets on the tables at the Annual Meeting. Each information sheet or pamphlet may not exceed 21.6 cm x 27.9 cm (8.5" x 11") and may include photographs and information about the candidate. Campaign literature must be submitted to the District Office Manager at least one (1) week prior to distribution at the Annual Meeting;
- f) Distribution of campaign literature shall be the sole responsibility of the candidate, at their sole expense.

SECTION 4 – Elections

- a) A Returning Officer, who is not a candidate for any Bargaining Unit position, shall be appointed by the Executive prior to the Annual Meeting to oversee the election process;
- b) In the event that the number of on-time nominations received is equal to the number of positions available for a given office, the Returning Officer shall inform the Chairperson who shall declare to the Members in attendance that said nominee(s) are elected by acclamation;
- c) When the number of candidates exceeds the number of positions available for a given office, the order of speeches shall be determined by lot;

- d) Candidates for office shall be allowed one opportunity to address the Members at the Annual Meeting for a time not to exceed:
 - i) Five (5) minutes for the position of President;
 - ii) Two (2) minutes for all other positions;
- e) Elections shall be held in the order that offices are listed in By-law 3, Section 1, above;
- f) The election of members of the Executive Committee shall be by a majority of the members in good standing, present and voting;
- g) Voting shall be by secret ballot;
- h) Names of candidates shall appear in alphabetical order on the ballots;
- i) Ballots for all positions shall allow for voters to rank the candidates in preferential order. Voters may rank as many or as few candidates as they see fit;
- j) After votes are counted for a given position, if no candidate wins a clear majority of all votes cast, the candidate with the least number of votes will be eliminated and votes from these ballots will be added to the totals of the remaining candidates based on the next preference indicated. This process will continue until a winner is determined;
- k) In the event of a tie in the final round, the candidate with the most votes on the first round of balloting will be declared the winner;
- l) As soon as the counting of the ballots for a given position has been completed, the result will be announced. The defeated Executive Committee candidates may agree or decline to have their names added to the list of nominees for subsequent Executive Committee positions;
- m) Each candidate will be allowed one scrutineer to witness the balloting process;
- n) No candidate may act as a scrutineer;
- o) The data pertaining to the results of the election shall be destroyed after the Returning Officer has completed their elections report;
- p) The results of the election shall be posted on the OTBU page of the District website no later than the Friday following the Annual Meeting.

SECTION 6 – Vacancies

- a) Any positions that remain unfilled after the Annual Meeting shall be appointed by the Executive. Members so appointed will serve in this capacity until the next Annual Meeting;
- b) Mid-term vacancies shall be filled by appointment by the Executive. Members so appointed will serve in this capacity until the next Annual Meeting;
- c) Notwithstanding (b) above, a midterm-vacancy of the position of President shall be filled by the First Vice President who will serve in this capacity until the next Annual Meeting.

Rationale: This language brings the elections process into line with the process outlined in the District Constitution and By-laws and adds language to address campaigning and the role of the Returning Officer.

BYL 105-2020

1/2

Moved by: Dick Woudenberg

Seconded by: Mara Zalcmanis

BIRT a new By-law, entitled "Release Time", be added to read:

- a) The President, or other Members at the discretion of the President, shall be released from teaching duties for a combined FTE of up to 1.0 FTE per year for the purpose of completing Bargaining Unit business;
- b) Activities for which District or Provincial Release Time is granted shall not be counted as Bargaining Unit release days;
- c) Release time related to member protection meetings with Members or Board representatives shall not be counted in the number of Bargaining Unit release days specified above and shall be assigned to the appropriate District Budget line;
- d) Release time funds shall be limited to an amount specified in the Bargaining Unit budget;
- e) Release time shall only be approved for duties performed on instructional days during the normal hours of the school day;
- f) Duties related to Unit Business will normally be completed at the District office;
- g) Remuneration shall be paid at the daily rate, according to the terms of the current collective agreement or, in the case of a Member holding a term assignment for which their salary is determined by their placement on the salary grid, they shall be paid according to their current grid rate.

Rationale: Although members of the Unit have been released from time to time as necessary for the running of the Bargaining Unit, and as provided for in the OTBU Collective Agreement, it is necessary to formalize how release time may be accessed and budgeted for, who can take it, and under what conditions. The request of 1.0 FTE combined release time is in line with other OSSTF Bargaining Units, taking into consideration the size and FTE of our Bargaining Unit. It is important to note however that, while this resolution would approve a specific maximum of release time, that the actual amount of release time could be limited according to the budget prepared by the Unit Executive and submitted to and approved by the District Executive at their annual planning session.