

CONSTITUTION
of the
ELEMENTARY TEACHERS'
FEDERATION of ONTARIO
DURHAM OCCASIONAL TEACHERS' LOCAL

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DURHAM OCCASIONAL TEACHERS' LOCAL CONSTITUTION

DEFINITIONS:

Federation means the provincial Elementary Teachers' Federation of Ontario (ETFO).

Local means the ETFO Durham Occasional Teachers' Local.

PARLIAMENTARY PROCEDURE:

The official authority for conducting all local meetings shall be the current Robert's Rules of Order.

ARTICLE I – NAME

- 1.1 This organization shall be known as the Elementary Teachers' Federation of Ontario Durham Occasional Teachers' Local (ETFO Durham OT Local).

ARTICLE II – JURISDICTION

- 2.1 Durham Occasional Teachers' Local is a Local of the Elementary Teachers' Federation of Ontario.
- 2.2 The jurisdiction of the Durham Occasional Teachers' Local shall be all certified Occasional Teachers, who are members in good standing with the Ontario College of Teachers, employed by the Durham District School Board in the elementary panel.

ARTICLE III – OBJECTIVES

The objectives of the Local shall be:

- 3.1 to represent active members in good standing of the ETFO Durham Occasional Teachers' Local;
- 3.2 to secure through collective bargaining, the best possible terms and conditions of employment;
- 3.3 to advance the cause of publicly funded public education and the status of Occasional Teachers in the Local;
- 3.4 to promote a high standard of professional ethics and a high standard of professional competence;
- 3.5 to foster a climate of social justice and provide a leadership role in such areas as anti-poverty, non-violence and equity;
- 3.6 to promote and protect the interests of all active members in good standing of the Local and

the students in their care;

- 3.7 to co-operate with other organizations having the same or like objectives; and,
- 3.8 to work in concert with Elementary Teachers' Federation of Ontario Durham Teachers' Local.

ARTICLE IV – MEMBERSHIP

Section 1 – Active Membership

- 4.1 Active members shall be all members in good standing of ETFO within the jurisdiction of the Durham Occasional Teachers' Local.

Section 2 – Associate Membership

- 4.2. Associate members of the Durham Occasional Teachers' Local are those members whose application has been approved by the Local and approved by the Federation Executive and who have paid the annual fee in accordance with the Federation Bylaws. (reference 4.2.1 of the Federation Constitution.)

Section 3 – Honourary Life Membership (2013)

- 4.3 Honourary Life Membership of the Durham Occasional Teachers' Local may be granted by an Executive motion to retired members of the Local or its predecessors who have given outstanding service to the Local and/or the Federation.

ARTICLE V – RIGHTS AND PRIVILEGES OF MEMBERSHIP

Section 1 – Rights and Privileges of Active Membership in Good Standing

- 5.1.1 An active member in good standing shall have full rights, privileges and responsibilities of membership in the Federation unless limited by disciplinary action taken in accordance with Article VII of the Federation Constitution.
- 5.1.2 The rights of an active member in good standing shall be:
- (a) to run for and be elected to office in the Local and in the Federation;
 - (b) to attend meetings of the Local;
 - (c) to participate in the vote on the preliminary submission in the collective bargaining process;
 - (d) to participate in all votes related to collective bargaining as set out in the Ontario Labour Relations Act;
 - (e) to participate in any general membership votes;
 - (f) to request Local support in the grievance process;
 - (g) to request Local support in any problem directly related to professional duties;
 - (h) to nominate an active member in good standing for election to office in the Local; and,
 - (i) to join a standing or ad hoc committee providing the member adheres to the approved

application process (2017)

Section 2 – Rights and Privileges of Associate Membership

- 5.2.1 An associate member may:
- (a) attend Local functions by invitation in a non-voting capacity;
 - (b) receive Local communications as the Local decides; and,
 - (c) serve on Local committees and workgroups as the Local decides.

Section 3 – Rights and Privileges of Honourary Life Membership (2013)

- 5.3 An Honourary Life Member may:
- (a) receive publications of the Local upon request;
 - (b) attend Local functions as a guest by invitation;
 - (c) attend Local annual and general meetings as a guest of the Local in a non-voting capacity; and,
 - (d) serve on task forces and/or work groups at the invitation of the Local.

ARTICLE VI – RESPONSIBILITIES OF ACTIVE MEMBERS IN GOOD STANDING

- 6.1 Active members in good standing shall uphold the objectives of the ETFO Durham OT Local and shall abide by Article VI of the Federation Constitution: Code of Professional Conduct, in particular
- 6.1.1 recognize the Local as the official voice of all the active members of the Durham OT Local; (Feb. 2008)
 - 6.1.2 to honour the terms of the collective agreement; (Feb. 2008)
 - 6.1.3 to refrain from undertaking or supporting actions which undermine established bargaining procedures; (Feb. 2008)
- 6.2 Active members in good standing shall attend the Local Annual Meeting to elect active members in good standing to the Executive and to approve the annual budget; (February 2024 – Mutatis Mutandis, changes to Local General Meeting and Local Annual Meeting to be made wherever necessary throughout the DOTL Constitution.)
- 6.3 Active members in good standing shall attend other general meetings throughout the year;
- 6.4 Active members in good standing shall abide by the Constitution and support the policies and procedures of ETFO Durham OT Local;
- 6.5 Active members in good standing shall conduct themselves with due regard to the honour and dignity of the teaching profession and shall be bound by Section 298 of the Education Act;
- 6.6 A member who is representing ETFO on the Local Executive and/or the Federation shall, in addition to the above, strive to achieve and maintain a high degree of professionalism and to uphold the honour, dignity, ethical standards and the constitutions of the Local and of the Elementary Teachers Federation of Ontario; (May 2013)

- 6.7 Active members in good standing may attend any executive meeting throughout the year with two-days notice with a maximum number of 10 observers;
- 6.8 Any member who is in contradiction of items: 6.1, 6.4, and/or 6.6, may by majority vote of the executive, be referred to the Discipline Committee of ETFO Provincial. (2021)

ARTICLE VII – LOCAL ORGANIZATION

Section 1 – Local Executive

- 7.1.1 The Local Executive shall include the following positions:
- a) President;
 - b) Past President to serve immediately following their Presidency for a single term in a nonvoting, advisory capacity; (Feb. 2015)
 - c) First Vice-President;
 - d) Second Vice-President;
 - e) Secretary;
 - f) Treasurer;
 - g) The President of the ETFO Durham Teachers' Local or Designate in a non-voting capacity; and,
 - h) Members-at-Large to a maximum of five (5). (May 2014)
- 7.1.2 The Executive of the Local shall be elected as per Article 10, prior to the Local Annual Meeting. (February 2022)
- 7.1.3.1 Beginning July 1st, 2008, the Executive shall take office for a two year term. (Feb. 2008)
(May 2014)
- 7.1.3.2 Beginning June 30, 2014, the term of office of the 2012-2014 Executive shall be extended to the end of the ETFO AM. (May 2014)
- 7.1.3.3 Beginning August 2014, the Local's term of office will commence upon the adjournment of the ETFO AM and will end upon the adjournment of the ETFO AM two years afterwards. (May 2014)
- 7.1.4 If an Executive member is unable to fulfill his/her term of office, the Executive shall appoint a member to fill the vacant position as per 8.1.6. (Feb. 2008)
- 7.1.5 a) Presidential release shall be full time at the maximum grid rate (in the A4 category) according to the current Teacher Local grid, effective the 2023-2024 school year. (February 2023)
- b) First Vice President release shall be full time on her/his grid rate. (May 2015)
- 7.1.6 Executive members and members of the Local may be released for Union duties at daily rate upon the authorization of the President. (Feb. 2008)

- 7.1.7 Notwithstanding 7.1.6, should the President be unable to fulfill his/her duties for a specific period of time, the First Vice-President shall assume the duties of the President. (February 2022)
- 7.1.8 Should the President or First Vice-President be unable to fulfill his/her duties for a period greater than one month of time, the Second Vice-President shall assume the duties of the First Vice-President. (Feb. 2015)
- 7.1.9 The elected executive and members of the PAC Committee will be granted the opportunity to complete the Labour Council complement of delegates as determined by the Local's FTE. (November 2018)

Section 2 – Committees

- 7.2.1 There shall be the following standing committees: (May 2016)
- Collective Bargaining
 - Equity (includes Status of Women)
 - Political Action
 - Professional Learning
 - Social
- 7.2.2 Other ad hoc committees required to carry out the work of the Local may be established by the Executive or by the recommendation of active members in good standing attending the general meetings, as necessary.

ARTICLE VIII – ORGANIZATIONAL DUTIES

Section 1 – Duties of the Executive

The Local, its officers and committees, shall carry out their duties and responsibilities in accordance with both the Local and ETFO Provincial policies, procedures, and resolutions passed at the ETFO Provincial Annual Meeting. (February 2024 – Mutatis Mutandis, this change to ETFO Provincial Annual Meeting to be made wherever necessary throughout the DOTL Constitution.)

The Executive shall: (8.1.1 - 8.1.15 May 2004)

- 8.1.1 uphold the constitution, bylaws and policies of the Elementary Teachers' Federation of Ontario;
- 8.1.2 execute the business of the Durham Occasional Teachers' Local in accordance with the constitution and the decisions of general meetings of the Durham Occasional Teachers' Local;

- 8.1.3 hold a minimum of five regular Executive meetings; (A quorum shall be the majority of the Executive in attendance.)
- 8.1.4 hold an Executive meeting at the call of the President;
- 8.1.5 appoint members to committees, develop terms of reference for these committees and receive reports from the Chairperson;
- 8.1.6 appoint when necessary, a successor to complete any unexpired term of an elected or appointed Local representative or committee member;
- 8.1.7 determine the location and time of the Local Annual and General Meetings;
- 8.1.8 communicate with the membership;
- 8.1.9 forward to the Provincial Office by September 30th of each year the annual report of the Local;
- 8.1.10 appoint the President, the First Vice-President, and the Treasurer as the three signing officers of the Local; (May 2017)
- 8.1.11 receive a financial report at each Executive meeting;
- 8.1.12 approve the proposed budget and develop an investment policy;
- 8.1.13 recommend the appointment of the auditor to the Local Annual Meeting;
- 8.1.14 forward to the Provincial Office by September 30th of each year the annual audited financial statement; and,
- 8.1.15 employ a bookkeeper/accountant.

Section 2 – Duties of Officers

- 8.2.1 The duties of the President shall be:
 - to be the official representative of the Federation, the Local and its members;
 - to preside at Executive, General and Annual Meetings of the Local;
 - to be an ex-officio member of all Committees of the Local;
 - to be one of the signing officers;

- to represent the Durham Occasional Teachers' Local on the Durham Teachers' Local Executive;
- to transact the business of the Local between Executive Meetings;
- to maintain accurate records of correspondence received by and sent on behalf of the Local; (March 2011)
- to inform and advise members regarding issues; (2011)
- to make provisions for the counseling of members;
- to represent the Local at the ETFO Representative Councils and any other ETFO provincial meetings and functions; and, (Feb. 2005)
- to be a delegate to the ETFO Provincial Annual Meeting immediately following his/her term of office. (Feb. 2005)
- to be the Chief Negotiator (If the President chooses not to be the Chief Negotiator, the Chief Negotiator shall be one of the members of the Collective Bargaining Committee as per the Terms of Reference of the CBC.) (May 2013)
- to be the Grievance Officer and to be responsible for grievances and arbitrations. (2013)

8.2.2 The duties of the First Vice-President shall be:

- in the President's absence, to assume the responsibilities of the President;
- to be responsible for additional duties as assigned by the President and/or Executive;
- to be one of the signing officers, and,
- to be a delegate to the ETFO Provincial Annual Meeting during his/her term of office. (Feb. 2019)

8.2.3 The duties of the Second Vice-President shall be:

- in the First Vice-President's absence, to assume the responsibilities of the First Vice-President;
- to be responsible for additional duties as assigned by the President and/or Executive; and,
- to be a delegate to the ETFO Provincial Annual Meeting during his/her term of office. (Feb. 2019)

8.2.4 The duties of the Treasurer shall be: (May 2004 and March 2010)

- to monitor, along with the President, any bookkeeper's records; (2021)
- to keep accurate and detailed financial records of the Durham Occasional Teachers' Local based on the Local fiscal year, July 1st - June 30th; (March 2010)
- to deposit and disburse funds in accordance with Local policy and authorization; (March 3/10)
- to check and retain all bills, vouchers and receipts to cover all expenditures; (March 2010)
- to make a financial report to each Executive, General and Annual Meeting of the Local;
- to prepare a proposed budget for approval at an Executive Meeting prior to the Annual Meeting;
- to make investments with the approval of the Executive;
- to report investments during each financial report;
- to ensure the audit is completed between June 30th and September 30th;
- to forward the annual audited financial statement of the Durham Occasional Teachers' Local to the provincial office of the Federation by September 30th; and,
- to be one of the signing officers.

8.2.5 The duties of the Secretary shall be:

- to maintain accurate records of all meetings of the Local; (May 2004)
- to prepare and circulate minutes of Executive, General and Annual Meetings; and,
- to forward the Annual Report of the Local to the provincial office of the Federation by September 30th;

8.2.6 The duties of the Past-President shall be:

- to serve in a non-voting advisory capacity to the President and Executive. (May 2015)

8.2.7 The duties of the Members-at-Large shall be:

-to carry out the duties as assigned by the President and/or Executive.

Section 3 – Duties of Committees

8.3.1 Committees are responsible to the Local Executive;

8.3.2 Committees shall fulfill the terms of reference of their mandates and report to the Local Executive.

ARTICLE IX – MEETINGS

Section 1 – General Meetings

9.1.1 A quorum for general meetings shall be that of the membership in attendance.

9.1.2 The Local may hold such general meetings of the membership as may be determined by the Executive on the written request of ten percent (10%) of active members who are in good standing, such meetings to be held within thirty (30) calendar days of the receipt of the request. (Feb. 2005)

9.1.3 The active members in good standing shall be notified of the Local General Meeting no later than fourteen (14) calendar days in advance of the meeting. (Feb. 2005)

Section 2 – Local Annual Meeting

9.2.1 A quorum for the Local Annual Meeting shall be that of the membership in attendance. (February 2022)

9.2.2 An Annual Meeting of the active members in good standing of the ETFO Durham Occasional Teachers' Local shall be held between April 1st and May 31st. (May 2004)

9.2.3 The active members in good standing shall be notified of the Local Annual Meeting no later than thirty-one (31) calendar days in advance of the meeting.

9.2.4 The Annual Meeting shall:

- a) receive the annual reports of the officers and committees of the Local;
- b) announce the officers for the next term, if applicable; (February 2022)
- c) receive the financial statements; and,
- d) approve the proposed budget for the next year.

ARTICLE X – ELECTIONS

Section 1 – Eligibility

10.1.1 An active member in good standing as defined in 5.1.1 may be nominated to stand for elected office subject to the conditions as outlined in Section 3 - Nominations. (May 2014)

- 10.1.2 To stand for the office of President or First Vice-President, a candidate must have served at least one term previously on the ETFO Durham OT Local Executive, within the past five (5) years. (February 2024)
- 10.1.3 To stand or hold any office on the ETFO Durham Occasional Teachers' Local Executive, a candidate shall not stand or hold any office in other Locals or organizations having the same or like objectives, excluding the ETFO Provincial Executive. Any exception shall be reviewed and requires a majority vote by the DOTL Executive. (February 2022)

Section 2 – Nominations Committee

- 10.2.1 The Nominations Committee shall comprise three (3) members in good standing of the Local, none of whom are candidates for election, chosen by the President. (February 2019)
- 10.2.2 The Nominations Committee shall solicit and accept nominations of candidates for all elected positions and prepare for and conduct the elections at the Local Annual Meeting.

Section 3 – Nominations

- 10.3.1.1 Members shall be notified of the request for nominations no later than thirty-one (31) calendar days prior to the Local Annual Meeting. (May 2014)
- 10.3.1.2 Members in good standing may self-nominate, for intention to run for office, limited to one (1) position at a time on the Executive of the ETFO Durham Occasional Teachers' Local. (Feb. 2022)
- 10.3.1.3 When no nominations have been received for an executive position prior to the twenty (20) calendar days noted in 10.3.2, the position shall be considered vacant. An election to fill the vacant position will be held at the upcoming Local Annual Meeting. Members shall be notified of the request for nominations as soon as the position is known to be vacant. Nominations must be received 48 hours prior to the Local Annual Meeting. If no nominations are received to fill the position, nominations will be received from the floor of the Local Annual Meeting. (November 2018)
- 10.3.2 Nominations shall be accepted in writing by the Nominations Committee no later than twenty (20) calendar days prior to the Local Annual Meeting. (Feb. 2005)
- 10.3.3 Nominations shall be published no later than fourteen (14) calendar days prior to the Local Annual Meeting. (Feb. 2005)

Section 4 – Election Procedures

- 10.4.1 The Executive of the ETFO Durham Occasional Teachers' Local shall be elected through use of electronic voting by the Local membership using an established third-party vendor.

Procedures shall be as outlined in Appendix 1, updated as necessary, and published to the membership. (Feb. 2018)

- 10.4.2 Candidates shall have the opportunity to address members prior to the election through a three (3) minute election speech video (or the transcript if the candidate prefers). The video (or the transcript) will be posted on the secure side of the Local's website and linked on the electronic ballot. (February 2022)
- 10.4.3 The election shall be by secret ballot.
- 10.4.4 The successful candidate will have received fifty percent (50%) plus one of the ballots cast. In the event of a tie, a new ballot shall be cast. In the case of more than two nominees for any of the offices, and failing a majority for any candidate on the first ballot, the count of the vote will be announced and the name of the candidate with the least number of votes shall be dropped from the second and succeeding ballots until one of the candidates has a majority.
- 10.4.5 The results for each elected position shall be released to all members at the completion of each election cycle. (November 2018)
- 10.4.6 Notwithstanding 10.1.1, an unsuccessful candidate may subsequently self-nominate for one (1) remaining Executive position (dropdown) for which the member is eligible. (February 2022)

ARTICLE XI – DELEGATES TO THE ETFO PROVINCIAL ANNUAL MEETING

- 11.1 An active member in good standing of the Durham Occasional Teachers' Local may be nominated as a delegate to the ETFO Provincial Annual Meeting.
- 11.2 Beginning January 2020, active members in good standing shall be notified of the request for delegates to the ETFO Provincial Annual Meeting, prior to the winter Local General Meeting, and may submit their own name for the intention to run as a delegate. (Feb. 2019)
- 11.3 Beginning January 2020, delegates to the ETFO Provincial Annual Meeting, in attendance, shall be elected at the winter Local General Meeting. The numbers shall be determined by the Provincial Office. (Feb. 2019)
- 11.4 Beginning January 2020, in addition, a number of alternates to the ETFO Provincial Annual Meeting, may be elected at the wish of the membership at the winter Local General Meeting, and the expenses for alternates shall be covered as deemed appropriate by the Executive prior to the winter Local General Meeting. (Feb. 2019)
- 11.5 The current President, and First and Second Vice Presidents, shall serve as delegates to the ETFO Provincial Annual Meeting. (Feb. 2019)
- 11.6 If the incoming President, First Vice President and/or Second Vice President, are not delegates or alternates to the ETFO Provincial Annual Meeting, they shall, if able, serve as a

delegate(s), if the number of delegates is not at maximum, or serve as an alternate(s) where the maximum number of delegates is already established. (Feb. 2019)

- 11.7 Names of delegates to the ETFO Provincial Annual Meeting shall be forwarded to the provincial office prior to June 1st.

ARTICLE XII – RESOLUTIONS TO THE ETFO PROVINCIAL ANNUAL MEETING

- 12.1 Resolutions to the ETFO Provincial Annual Meeting shall be passed at a Local Executive Meeting to be held prior to March 1st.
- 12.2 Members shall be notified that the submission of resolutions should be forwarded to the Executive prior to February 1st.

ARTICLE XIII – AMENDMENTS TO THE LOCAL CONSTITUTION

- 13.1 Proposed amendments to the Local Constitution must be submitted to the Executive no later than twenty (20) calendar days prior to the Local General Meeting. (February 2022)
- 13.2 The Executive shall publish all proposed amendments to the general membership no later than fourteen (14) calendar days prior to the Local General Meeting. (February 2022)
- 13.3 The Constitution shall be amended if 60% of the members in good standing present at a Local General Meeting vote in favour of the proposed amendment. (November 2018)
- 13.4 Proposed amendments to the Local Constitution shall only be presented at a Local General Meeting and not at the spring Local Annual Meeting. (November 2018)
- 13.5 All Constitutional Amendments shall be submitted on the electronic form provided in the secure section of the ETFO DOTL website. (November 2018)
- 13.6 All Constitutional amendments submitted for consideration at a Local General Meeting and not heard, will not be carried forward to the next meeting. (November 2018)

ARTICLE XIV – FINANCES

- 14.1 The Executive of the Local shall develop a financial policy.
- 14.2 The Federation fee shall be as prescribed by the ETFO Provincial Annual Meeting of the Elementary Teachers' Federation of Ontario (ETFO) (February 2022).
- 14.3 A levy may be instituted by fifty percent (50%) plus one of those members in attendance at the Local Annual Meeting in accordance with the proposed budget. Such a levy shall be 0.005% of gross salary and shall be deducted at source by the employer and remitted to the Local as per the conditions of the collective agreement. Said deduction shall be noted on the pay stub and combined with regular federation fees on the T4 slip for income tax deduction

purposes.

- 14.4 All financial transactions shall be signed by two signing officers.
- 14.5 The fiscal year for the Durham Occasional Teachers' Local shall be the period from July 1st of one calendar year to June 30th of the following year.