

IUOE  
LOCAL 793

ELECTION



## 2020 ELECTION RULES AND PROCEDURES FOR LOCAL 793 OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS

This is an election year for the members of Local 793, and all of the correspondence on this important issue should be read carefully.

Below and on the following pages you will find the Articles from the International Constitution regarding this election.

Other rules and procedures of this election shall be as follows:

1. Election of Officers and Executive Board Members of Local 793 shall be conducted as per Article XXIV, Subdivision 1, Section (b) of the Constitution, and Article XXVI, Section 1, (h) and (j) of the Constitution.

2. Notice of the upcoming election is outlined on **page 72** of this issue and shall be read out at District Meetings.

3. Nominations shall be conducted by districts and sub-districts in **May 2020**.

4. Letters of acceptance from nominees shall be returned in stamped self-addressed envelopes to the Recording-Corresponding Secretary of Local 793 within ten (10) days after having been notified by the Recording-Corresponding Secretary

of their nomination to Local Union office. Letters of acceptance shall be opened by the Recording-Corresponding Secretary by **Tuesday, June 16, 2020**, in the presence of members of the Election Committee. This will be the only accepted method.

5. The election shall be by mail referendum conducted by a secret ballot.

6. Elections shall be conducted by the Election Committee.

7. The Financial Secretary shall be responsible to provide a complete up-to-date list of all members eligible to receive a ballot by no later than **Tuesday, June 16, 2020**.

8. Ballots shall be mailed by **Thursday, July 2, 2020**, and received no later than **Wednesday, August 5, 2020**, and shall be counted on **Thursday, August 6, 2020**.

9. Any candidate or their representative may be present at the counting of the ballots.

10. Each Committee Member shall receive a copy of all incoming correspon-

dence pertaining to the election.

11. No member shall be in good standing unless they have paid all current dues to the Local in the month in which they are due and all current years' assessments are paid in full no later than **May 31, 2020**.

12. In order to stand for election all nominees, subject only to sickness, accident or death in the immediate family, must attend their own district meeting in the month of **June 2020**. In the event the member is working away from their home district, they must attend any district meeting in the Province of Ontario to ensure they attend a meeting in the required month.

13. Members' names identified on the **May 2020** suspension list (unless identified by error) shall not be eligible to receive a ballot.

14. Any member may contact the Election Committee by writing to the Election Committee Secretary, IUOE, Local 793, 2245 Speers Road, Oakville, Ont., L6L 6X8.

## TERMS OF OFFICE & CONDITIONS OF ELIGIBILITY

### IUOE LOCAL 793 CONSTITUTION ARTICLE XXIV SUBDIVISION 1, SECTION (b)

The terms of all Local Union officers shall be three years, except that when and if permitted by applicable law, the terms of Local Union office may be four (4) years. Such terms shall commence on September 1 unless otherwise directed by the General President. New officers shall be sworn-in at the first regular meeting in September, but the swearing-in date shall have no effect on the September 1 commencement of the term. No member shall be eligible for election, be elected, nor hold office

unless he shall have been a member continuously in good standing in the Local Union electing him for one (1) year preceding the month of nominations; and provided that no member shall be eligible for election, be elected, nor hold office unless he shall also have been a member of the organization for two years immediately prior to election. The Recording-Corresponding Secretary of the Local Union must notify each candidate of his nomination to Local Union office, and the candidate must return an acceptance of nomination to the Recording-Corresponding Secretary, which acceptance must

be received by the Recording-Corresponding Secretary within 10 days of the date that the candidate was notified of the nomination and, in addition, shall have been in regular attendance at all regularly scheduled Local Union membership meetings and home district membership meetings held after nomination and before elections, subject, however, to a reasonable excuse based upon good cause such as physical incapacity or death in family. Local Unions may also impose in their bylaws a requirement that candidates for office must file nominating petitions in support of their candidacies signed

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by not more than two hundred (200) members or two percent (2%) of the entire membership, whichever is less. Within five (5) days after the nominations have been concluded the Recording-Corresponding Secretary shall mail to each member nominated, at his last known home address, notice of his nomination and of the office to which he has been nominated, and shall read or cause to be read the name of each nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union membership and district membership meeting held after receipt of the nominee's written acceptance of nomination. Any Local Union which has not been in existence for a period of one year may elect officers for the period between the date of its organization and the next annual meeting, from among its members in good standing.

No member shall be eligible for election, be elected nor hold office who has not during the year, and in the case of one seeking the office of Business Manager two years, immediately prior to the month of nominations, been continuously employed at the trade, or who has not actively sought continuous employment at the trade. This restriction, however, shall not apply to any member employed by or working for a Local Union or the International Union or who has been assigned by his Local Union or the International Union to perform work in furtherance of the interests of organized labour, in either case in a sufficiently time-consuming capacity so as to preclude meeting the requirement of continuous employment at the trade or active seeking of continuous employment at the trade.

If no member fulfills the foregoing conditions of eligibility for a particular office, any member currently in good standing in the Local Union, and otherwise eligible, shall, upon being nominated, be eligible to be elected to,

and to hold, that office.

Notwithstanding any other provision of this Constitution, no member retired from work at the trade shall be eligible for election, be elected nor hold office in any Local Union. The receipt of a pension which is not suspended based upon the number of hours worked at the trade shall not disqualify a member from being elected to or holding any Local Union office. This restriction, however, shall not be applicable to any member so retired who, at least one year, and, in the case of one seeking the office of Business Manager at least two years, immediately prior to the month of nominations, has ceased to accept retirement benefits and returned, or actively and continuously sought to return, to full time work at the trade. This restriction does not prohibit or preclude the Local Union from naming any officer as "Emeritus" or from using the peculiar talents of a given retired individual for the best interests and advancement of the Local Union. No member owner/operator of an entity that employs operating engineers shall be eligible for election, be elected nor hold office in any Local Union, nor nominate candidates in any Local Union election. **No member who also is a member of a rival labour organization shall be eligible for election, be elected, nor hold office in any Local Union; provided, however, that such eligibility requirement may be waived by the General President if he determines that such waiver is in the best interests of the Local Union.** In those Local Unions operating under the District Administration Form of Government which provide for some Executive Board members to be elected from particular districts, the Local Union in its bylaws may impose a requirement that in order to be eligible to run for office from a particular district, candidates must have resided within that particular district for a period

up to one year preceding the month of nominations.

In the event of the death, between nomination and the time of the last meeting preceding the election, of any constitutional officer who has been nominated to office in the forthcoming election, any member of the Local Union, who is otherwise eligible, shall be eligible to be nominated and, upon his filing with the Recording-Corresponding Secretary of his acceptance of such nomination, shall be eligible to be elected to, and if elected, to hold the office to which the deceased officer had been nominated. If the death occurs after the last meeting preceding the election, nomination shall be effected by filing a statement of candidacy with the Recording-Corresponding Secretary prior to the election, but in no event more than five (5) days after the deceased officer's death.

## **District Administration Form of Local Union Government ARTICLE XXVI, SECTION 1**

Where the circumstances of a Local Union so require, and appropriate by-laws have been adopted by the Local Union and thereafter approved by the General President, it may proceed under a district administration form of government and shall:

(h) Provide for the nomination of Local Union officers at district or general membership meetings prior to the election, but in no event earlier than a May meeting preceding the election, with elections during the month of August by mail referendum conducted by secret ballot among the general membership or by Australian ballot system, in which event the polls shall be kept open for a period of twelve (12) consecutive hours between the hours of 6:00 a.m. and 10:00 p.m. on the date of election. The terms of office shall begin on September 1, unless otherwise directed by the General President;

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(j) Provide for adequate safeguards to ensure a fair election in elections conducted pursuant to subsections (h) and (i) of this Section, in accordance with the International Constitution, applicable law and such rules and regulations as may be promulgated by the General Executive Board.

**Note:** Sec. (j) - reference made to subsection (i) - deals with delegates to General Conventions.

## **IUOE LOCAL 793 BY-LAW ARTICLE V, SECTION 4 Elected Officers and Executive Board**

No member shall be eligible for election, to be elected, nor hold office unless he shall have been a member continuously in good standing in the Local Union electing him for one (1) year and in the case of one seeking the office of Business Manager two (2) years, preceding the month of nominations; and provided that no member shall be eligible for election, be elected, nor hold office unless he shall also have been a member of the organization for two (2) years immediately prior to election.

Any member of Local 793 meeting the above noted eligibility criteria shall be eligible for nomination and election to any union office, provided that member has not been convicted by way of indictment of any of the following crimes for which a pardon and/or record suspension has not been granted:

- theft over \$5,000
- fraud over \$5,000
- theft or forgery of credit card
- robbery
- extortion
- break and enter
- murder or attempted murder
- sexual assault
- arson, or
- conviction for the production, trafficking or importation of a controlled substance under the Controlled Drug and Substances Act,

The nominated member shall also have filed with the Recording-Corresponding Secretary of the Local Union a written acceptance of nomination to office, which must be received by the Recording-Corresponding Secretary within ten (10) days of the date the candidate was notified of nomination, and, in addition, the candidate shall have been in regular attendance at all regularly scheduled Local Union Membership meetings and home district membership meetings held after nomination and before elections. In the event the member is working away from his home district he must attend any district meeting in the Province of Ontario to ensure he attends a meeting in each of the required months, subject however, to a reasonable excuse based upon good cause such as physical incapacity or death in family. Within five (5) days after the nominations have been concluded the Recording-Corresponding Secretary shall mail to each member nominated, at his last known home address, notice of his nomination and of the office to which he has been nominated, and shall read or cause to be read the name of each nominee and identify the office to which such nominee seeks election at each regularly scheduled Local Union membership and District membership meeting held after receipt of the nominee's written acceptance of nomination. The member accepting nomination should also provide to the Recording-Corresponding Secretary at the time of accepting nomination a consent to a criminal background check and an affidavit confirming his or her eligibility to hold office in a form provided by the Recording-Corresponding Secretary.

No member shall be eligible for election, be elected, nor hold office who has not during the year, and in the case of one seeking the office of Business Manager two (2) years, immediately prior to the month of nominations, been

continuously employed at the trade, or who has not actively sought continuous employment at the trade. This restriction, however, shall not apply to any member employed by or working for the Local Union or the International Union, or who has been assigned by his Local Union or the International Union to perform work in furtherance of the interest of organized labour, in either case in a sufficiently time-consuming capacity so as to preclude meeting the requirement of continuous employment at the trade or active seeking of continuous employment at the trade.

If no member fulfills the foregoing conditions of eligibility for a particular office, any member currently in good standing in the Local Union, and otherwise eligible, shall, upon being nominated, be eligible to be elected to, and to hold, that office.

Notwithstanding any other provision of this Constitution, no member retired from work at the trade shall be eligible for election, be elected, nor hold office in any Local Union. This restriction, however, shall not be applicable to any member so retired who, at least one year, and, in the case of one seeking the office of Business Manager at least two (2) years, immediately prior to the month of nomination, has ceased to accept retirement benefits and returned, or actively and continuously sought to return, to full-time work at the trade. This restriction does not prohibit or preclude the Local Union from naming any officer as "Emeritus" or from using the peculiar talents of a given retired individual for the best interest and advancements of the Local Union.

In the event of the death, between nomination and the time of the last meeting preceding the election, of any constitutional officer who has been nominated to office in the forthcoming election, any member of the Local Union, who is otherwise eligible, shall be eligible to be nominated and, upon

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his filing with the Recording-Corresponding Secretary of his acceptance of such nomination, shall be eligible to be elected to, and if elected, to hold office to which the deceased officer had been nominated. If the death occurs after the last meeting preceding the election, nomination shall be affected by filing a statement of candidacy with the Recording-Corresponding Secretary prior to the election, but in no event more than five (5) days after the deceased officer's death.

## **ARTICLE VIII Elections**

### **Committees and Election Committee**

All committees shall be appointed and composed by the Business Manager in accordance with Article XXIV, subdivision 1, Section (a) Titles, except the Election Committee, which shall be comprised of six (6) members.

SECTION A - One member representing Windsor, Sarnia and London area.

SECTION B - One member representing St. Catharines, Hamilton and Cambridge area.

SECTION C - One member representing Belleville, Kingston and Ottawa area.

SECTION D - One member representing Sudbury, Sault. Ste. Marie and Thunder Bay area.

SECTION E - Two members representing the Metropolitan Toronto area.

In January of an election year, each district shall elect a committeeman, ex-

cept the Metropolitan Toronto district, which shall elect two (2) committeemen. The district committeemen so elected shall be grouped together as defined in Sections A, B, C, D, and E above. The two (2) committeemen representing Section E shall constitute the Election Committee for the Metropolitan Toronto area. The Election Committeemen representing Sections A, B, C, and D, shall be elected in February by secret ballot mail referendum vote of the membership in the Districts of each Section from the district committeemen elected in the Districts of each Section. The six (6) Area Election Committeemen so elected shall comprise the Election Committee.

### **Role of Election Committee**

In addition to overseeing the election and taking all reasonable steps to ensure that it is conducted in a fair, democratic, and open manner and in accordance with the Local 793's By-Laws and the Constitution of the International, the Election Committee shall be authorized to conduct criminal background checks for candidates for elected office who have provided the necessary consents thereto in accordance with Article V, Section 4.

If any candidate is determined to be ineligible for election to office based on a criminal background check indicating a conviction for a disqualifying offence for which a pardon or record suspension has not been granted, the Chair of the Election Committee shall promptly notify the Recording-Corresponding Secretary of the disqualification and the

Recording-Corresponding Secretary shall communicate the disqualification to the candidate.

Information provided pursuant to the criminal background checks shall be held in strict confidence by the Election Committee and shall not be retained in any form any longer than necessary to confirm the decision of the Committee as to eligibility of the candidate and to allow the candidate to pursue any available avenues of appeal.

If it is determined that an elected officer has been convicted of a disqualifying criminal offence during his or her term of office and between elections, the matter shall be dealt with in accordance with the procedures under the Constitution and the By-Laws.

### **Campaign Literature**

Candidates who have campaign literature they want the Election Committee of Local 793 to mail to the membership on the candidate's behalf and at the candidate's expense shall make their request in writing to the Chair of the Election Committee on or after the date designated by the Election Committee for the election year. The Election Committee may require candidates to pay in advance for distribution. If such a requirement is applied it will be applied equally to all candidates. The Election Committee will create and enforce rules governing the distribution of campaign literature in order to comply with all relevant law, and protect the integrity of the election process and the rights of members.

**Note:** If there is any discrepancy between the preceding information and the International Constitution, the International Constitution will prevail. Also, if you are a Local 793 member with a rural route (RR) address, please ensure that you provide your union office with an exact concession number and civic address to ensure you get your election ballot. Please contact your union office with the information.