

CONSTITUTION

**ELEMENTARY TEACHERS' FEDERATION OF ONTARIO–TORONTO
OCCASIONAL TEACHERS' LOCAL**

Amended June 15, 2021

**CONSTITUTION AND BY-LAWS
ELEMENTARY TEACHERS' FEDERATION OF ONTARIO-
TORONTO OCCASIONAL TEACHERS' LOCAL**

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**CONSTITUTION OF
THE ELEMENTARY TEACHERS' FEDERATION OF ONTARIO–TORONTO OCCASIONAL
TEACHERS' LOCAL**

CONSTITUTION

Definitions:

- Union means the provincial Elementary Teachers' Federation of Ontario
- Local means the Elementary Teachers' Federation of Ontario–Toronto Occasional Teachers' Local (ETFO–Toronto O.T. Local)

ARTICLE I – NAME

- 1.1.1 This organization shall be known as the "Elementary Teachers' Federation of Ontario–Toronto Occasional Teachers' Local."
- 1.1.2 In all Local communications, including but not limited to electronic, print and oral, officers of the Local shall endeavour to use the official name of the Local which is the Elementary Teachers' Federation of Ontario–Toronto Occasional Teachers' Local.

ARTICLE II – AFFILIATION

- 2.1.1 The Local is authorized to act on behalf of the Union to execute various functions as determined by the Union.
- 2.2.1 Elementary Teachers' Federation of Ontario–Toronto Occasional Teachers' Local is a member Local of the Elementary Teachers' Federation of Ontario.
- 2.3.1 The boundary of ETFO–Toronto Occasional Teachers' Local is coterminous with the Toronto District School Board.

ARTICLE III – OBJECTS

The objects of the Local shall be:

- 3.1.1 to serve the needs of the members;
- 3.2.1 to represent members of the ETFO–Toronto Occasional Teachers' Local
- 3.3.1 to regulate relations between the members of the ETFO–Toronto Occasional Teachers' Local and the Toronto District School Board including but not limited to securing and maintaining through collective bargaining, the best possible terms and conditions of employment;
- 3.4.1 to advance the cause of publicly-funded education and the status of Occasional Teachers in the Local;
- 3.5.1 to promote a high standard of professional ethics and a high standard of professional competence;

- 3.6.1 to promote and protect the interests of all members of the Local;
- 3.7.1 to communicate with members;
- 3.8.1 to work in concert with other ETFO Locals;
- 3.9.1 to co-operate with other organizations having the same or like objects;
- 3.10.1 to foster a climate of social justice and provide a leadership role in such areas as anti-poverty, non-violence and equity;
- 3.11.1 to promote professional development.

ARTICLE IV – MEMBERSHIP

Section 1 – Active Membership

- 4.1.1 Members shall be all public elementary occasional teachers who are covered by the collective agreement between the ETFO–Toronto Occasional Teachers' Local and the Toronto District School Board.
 - a) Active membership shall mean a member who has paid dues to the Local within the last one hundred and twenty (120) working days.
- 4.1.2 Notwithstanding 4.1.1, active membership within the Local must conform to the membership Bylaws of the Ontario Teachers' Federation and/or the Elementary Teachers' Federation of Ontario.
- 4.1.3. Members shall adhere to the Code of Professional Conduct in Article VI of the Union Constitution.

ARTICLE V – RIGHTS AND PRIVILEGES OF MEMBERSHIP

Section 1 – Rights and Privileges of Active Membership

- 5.1.1 An active member shall have full rights, privileges and responsibilities of membership in the Union unless limited by disciplinary action taken in accordance with Article VII of the Union Constitution.
- 5.1.2 The rights of an active member shall be:
 - (a) to hold office in the Local and in the Union;
 - (b) to attend General Meetings of the Local;
 - (c) to participate in the ratification of the collective agreement;
 - (d) to participate in any general membership votes;
 - (e) to request Local support through the grievance process;
 - (f) to request Local support in any problem directly related to professional duties.

ARTICLE VI – LOCAL ORGANIZATION

Section 1 – Local Executive

- 6.1.1 The local executive shall consist of twelve (12) members and shall include:
President
First vice-president
Second vice-president
Treasurer
Secretary
Seven (7) additional executive members
A non-voting member from each of the other ETFO locals whose members are employed by the Toronto District School Board
- 6.1.2 In accordance with Article XI 11.2.2 of the ETFO constitution at least one member of the executive shall be a woman.
- 6.1.3 The term of office for the Executive shall be one (1) year. The term will commence upon the adjournment of the ETFO Annual Meeting and will end upon the adjournment of the ETFO Annual Meeting the following year.
- 6.1.4 Notwithstanding 7.1.1 (i) and 9.5.1, an unfilled or an unexpired term of office for a table officer (President, First Vice-President, Second Vice-President, Treasurer and Secretary) will be completed by a current member of the Executive, elected by the Executive.
- 6.1.4.1 Should no Executive member be willing to assume the vacant table officer position, a by-election will be held in accordance with 9.5.1 and 7.1.1 (i)
- 6.1.5 An Executive must maintain active membership status in the Local to maintain a position on the Local Executive

Section 2 – Committees

- 6.2.1 The Local may form such Standing Committees as are deemed necessary by the Local including, but not limited to:
Budget Committee
Collective Bargaining Committee
Constitution Committee
Communication Oversight Committee
Elections Committee
Equity and Social Justice Committee
Member Involvement Committee
Policy and Procedures Committee
Professional Development Committee
Social Committee
Status of Women Committee
- 6.2.2 Other ad hoc committees required to carry out the work of the Local may be established by the Executive or by General Meetings as necessary.

6.2.3 The term of office for committees shall commence on September 1 and end on August 31 of the following year.

Section 3 – Health and Safety Representatives

6.3.1 The Joint Occupational Health and Safety Committee shall reflect the TDSB’s structure as developed in the Terms of Reference for Joint Occupational Health and Safety for the TDSB. The representatives shall be appointed by the Executive.

6.3.2 The term of office for representatives shall be two years, commencing on September 1 of the first year and ending on August 31 of the second year.

ARTICLE VII – ORGANIZATIONAL DUTIES

Section 1 – Duties of the Executive

The duties of the Executive shall be to administer the affairs of the Local between the Local Annual Meetings in accordance with the Constitution, Bylaws, and Policies and Procedures Manual of the Local. The Policy and Procedures manual may be amended at any time by motion of the Executive by simple majority.

7.1.1 The Executive shall:

- (a) uphold the Constitution, Bylaws and Policies of the Elementary Teachers’ Federation of Ontario;
- (b) execute the business of the ETFO - Toronto Occasional Teachers' Local in accordance with the Constitution and the decisions of General Meetings of the ETFO - Toronto Occasional Teachers' Local;
- (c) hold at least three (3) General Meetings, including a Local Annual Meeting and at least five (5) regular Executive meetings;
- (d) hold an Executive meeting at the call of the President, or at the call of the majority of the voting Executive;
- (e) receive a financial report at each Executive meeting;
- (f) forward to the provincial office by September 30 of each year the annual audited financial statement;
- (g) develop an annual budget for presentation to the Local Annual Meeting;
- (h) appoint members to committees; approve terms of reference for these committees and receive reports from the committee chairpersons;
- (i) appoint a successor to complete any unexpired term of an elected local representative or fill an unfilled vacancy, in the event that no candidate is elected or acclaimed at the next General Meeting, in accordance with 9.5.1;
- (j) recommend the appointment of the auditors to the Local Annual Meeting;
- (k) develop investment policy;

- (l) attend meetings regularly;
- (m) appoint representatives as required to act in the interest of the Local;
- (n) have the final authority to determine the specific duties of the officers of the Local.

Section 2 – Duties of Officers

7.2.1 The President shall:

- (a) be the official spokesperson of the Local;
- (b) be the official representative of the Local;
- (c) be a signing officer;
- (d) be an ex-officio member of all committees;
- (e) chair, or designate another to chair, all Local Executive and Local General Meetings;
- (f) transact the business of the Local between Executive Meetings subject to ratification by the Executive. The President shall seek approval from the Executive on all substantive issues prior to their execution;
- (g) represent the Local as a delegate to the ETFO Annual Meeting;
- (h) represent the Local or designate another to represent the Local on the Representative Council;
- (i) represent the Local or designate another to represent the Local on the Elementary Teachers' of Toronto Executive;
- (j) inform and advise members of the Local on issues affecting the Local and its members;
- (k) maintain accurate records of correspondence received by and sent on behalf of the Local
- (l) ensure that all Member meetings, including Opportunity to Respond Meetings and Follow Up meetings in which members are facing allegations, are documented with hard copy notes. These notes shall be stored in a central file in the Local's office so that they can be accessed by all Local officers when necessary;
- (m) forward to the provincial office each year the annual report of the Local.

Section 3 – Duties of the Vice-Presidents

7.3.1 The duties of the two (2) vice-presidents shall be determined by the executive:

- (a) The executive shall assign one (1) vice-president responsibility for health and safety;
- (b) The executive shall assign one (1) vice-president responsibility for social activities;
- (c) The executive shall assign one (1) vice-president responsibility for professional learning;

- (d) The executive shall assign one (1) vice-president responsibility for communications including social media;
- (e) The president and/or the executive shall assign additional responsibilities as required.
- (f) Notwithstanding the above, the first vice-president shall assume the duties and responsibilities of the president in the president's absence or at the request of the president;
- (g) The vice-presidents shall represent the local as delegates to the ETFO Annual Meeting.
- (h) ensure that all Member meetings, including Opportunity to Respond Meetings and Follow Up meetings in which members are facing allegations, are documented with hard copy notes. These notes shall be stored in a central file in the Local's office so that they can be accessed by all Local officers when necessary;

7.3.2 The Treasurer shall:

- (a) maintain a separate bank account for the funds belonging to the Local;
- (b) keep accurate and detailed financial records of the ETFO – Toronto Occasional Teachers' Local based on the Local's fiscal year, July 1 to June 30;
- (c) make a financial report to each Executive and General Meeting of the Local;
- (d) make investments with the approval of the Executive;
- (e) report investments during each financial report;
- (f) ensure the audit is completed;
- (g) forward the annual audited financial statement of the ETFO - Toronto Occasional Teachers' Local to the provincial office of the Union by September 30;
- (h) act as a signing officer for the Local;
- (i) submit to a security/credit check upon request of the Executive;
- (j) chair Budget Committee Meetings;
- (k) monitor, along with the President, the work of the bookkeeper if applicable;
- (l) represent the Local as a delegate to the ETFO Annual Meeting in August;
- (m) ensure that all Member meetings, including Opportunity to Respond Meetings and Follow Up meetings in which members are facing allegations, are documented with hard copy notes. These notes shall be stored in a central file in the Local's office so that they can be accessed by all Local officers when necessary.

7.3.3 The Secretary shall:

- (a) attend every Executive meeting and General meeting or designate an alternate.

- (b) maintain accurate records of all meetings of the Local;
- (c) prepare and circulate minutes of Executive and General Meetings.
- (d) represent the Local as a delegate to the ETFO Annual Meeting in August.

Section 3 – Duties of the Executive Members:

7.3.4 The Executive Members shall:

- (a) attend all meetings of the Local regularly;
- (b) fulfil their duties as assigned by the President and/or the Executive.

7.3.5 Any Executive Member who is absent for three (3) consecutive meetings may be replaced by motion of the Executive. (Subject to 8.1.7)

Section 4 – Duties of Committees

7.4.1 Committees are responsible to the Local Executive.

7.4.1.1 Each Standing Committee shall develop Terms of Reference.

7.4.2 The Collective Bargaining Committee:

- shall consist of the Local President and four (4) other Executive members who shall be elected by the Executive at the first Executive meeting each year;
- shall solicit input from the members.

7.4.3. The Elections Committee:

- shall recommend to the Executive the appointment of an Elections Officer, who shall not be a current Executive member or a candidate for any Executive position.
- shall develop/review Election Guidelines for approval by Executive
- shall provide the Elections Officer with the approved Elections Guidelines

7.4.4. The structure and duties of the other committees will be determined by the Executive.

ARTICLE VIII – MEETINGS

Section 1 – General Meetings

8.1.1 A quorum for General Meetings shall be 50% of the members present at the time the meeting is called to order. Should quorum be lost, no further business can be conducted.

8.1.2 A General Meeting shall be held no later than November 30 of each year. One of the agenda items shall be a report from the ETFO Annual Meeting.

8.1.3 A General Meeting shall be held no later than February 28 of each year. The Agenda items shall include the election of Delegates to ETFO Annual Meeting; approval of motions for the ETFO Annual Meeting; and the introduction of candidates for the next year's Executive.

- 8.1.4 The official authority for conducting all Local meetings shall be the current Roberts Rules of Order.
- 8.1.5 Any substantive motion altering the direction of the organization or impacting on the membership as a whole must be received by the Local office in writing or by email not less than thirty (30) days prior to a General Meeting, to enable communication of that motion to the membership.
- 8.1.6 At General Meetings, the Executive shall have the responsibility to determine whether a tabled motion is a substantive motion altering the direction of the organization or impacting on the membership as a whole.
- 8.1.7 At General Meetings members shall elect or acclaim successors to vacant Executive position(s) provided notice of motion is given.

Section 2 – Local Annual Meeting

- 8.2.1 A Local Annual Meeting of the members of ETFO – Toronto Occasional Teachers' Local shall be held no later than May 31, of each year.
- 8.2.2 The Local Annual Meeting shall:
- a) receive the annual reports of the officers and committees of the Local;
 - b) approve the budget for the next fiscal year;
 - c) appoint the auditor;
 - d) consider amendments to the Local Constitution in accordance with Article XII;
- 8.2.3 Quorum shall be 75% of the members present at the time the meeting is called to order. Quorum cannot be less than 50 members. Should quorum be lost, no further business can be conducted.

Section 3 – Executive Meetings

- 8.3.1 A quorum for an Executive Meeting shall be the majority of the voting Executive.
- 8.3.2 Executive Meeting minutes shall be available to members upon request.

ARTICLE IX – EXECUTIVE ELECTIONS

Section 1 – Eligibility

- 9.1.1 An active member in good standing may nominate a member or be nominated to stand for elected office.
- 9.1.2 To stand for the office of president, first vice-president or treasurer a candidate must have served at least one (1) year on the ETFO – Toronto Occasional Teachers' Local executive unless no eligible candidate is nominated.

- 9.1.3 Term limits for all released executive officer positions (president, first vice-president, second vice-president and treasurer) be limited to 4 consecutive years in all released positions. This motion is applied retroactively. Thus, any local released executive officer who has held a released position for 4 or more consecutive years as of the 2022-2023 local elections will not be eligible to run in the 2022-2023 local executive elections or any subsequent by-elections for the 2022-2023 school year.

Section 2 – Nominations

- 9.2.1 Members shall be notified of the request for nominations in January, in the January newsletter, by Constant Contact, and on the website, and this shall be at least twenty-one (21) days prior to the nomination deadline.
- 9.2.2 The nomination form shall be mailed in January in the January newsletter and shall be posted on the Local website in January, and this shall be at least twenty-one (21) days prior to the nomination deadline.
- 9.2.3 The nomination deadline shall be at least three (3) days prior to the Winter General Meeting.

Section 3 – Election Procedures

- 9.3.1 All elections of the Executive shall be conducted at the Local Annual Meeting.
- 9.3.2 Candidates for the Executive shall be introduced to the membership at the Winter General Meeting and the Local Annual Meeting and shall be provided with the opportunity to address the members at both meetings.
- 9.3.3 Candidate profiles shall be mailed to the membership in the March newsletter and placed on the Local website within seven (7) days following the Winter General Meeting and at least six (6) weeks prior to the Local Annual Meeting.
- 9.3.4 Members in good standing will elect the following to the Executive: President, First Vice-President, Second Vice-President, Treasurer, Secretary and up to seven (7) Executive Members.
- 9.3.4.1 A members may run for up to two (2) positions on the Executive. Notwithstanding the foregoing, a member may run for only one (1) Executive Member position.
- 9.3.5 Votes will be counted in order of President, First Vice-President, Second Vice-President, Treasurer, Secretary and Executive Member. If a candidate is successful for a position, his/her name will be removed from subsequent vote counts. In the case of a tie for an Officer position or for the final Executive Member position, a re-vote will be held between the tied candidates only.
- 9.3.6 Each candidate or scrutineer of the candidate's choice may observe the counting of the ballots. A scrutineer must be a member of the Local.
- 9.3.7 The candidate with the highest vote count for each position shall be declared elected, subject to 9.3.5.

- 9.3.8 The vote count for all elected positions shall be released to the members and posted on the Local website within two (2) school days.
- 9.3.9 The ballots shall be destroyed thirty (30) days following the vote count.

Section 4 – Elections Officer

- 9.4.1 The Elections Committee shall recommend to the Executive the appointment of an Elections Officer who shall not be a current Executive member or a candidate for any Executive position.
- 9.4.2 The Elections Officer shall be provided with the Elections Guidelines.

Section 5 – By-elections

- 9.5.1 A by-election shall be held at the first and second general meetings to fill any vacant position on the executive. A by-election will not be held at the annual meeting of the local.
- 9.5.2 Members will be notified of the by-election at least twenty-one (21) days prior to the general meeting at which the by-election will be held.

ARTICLE X – DELEGATES TO THE ETFO ANNUAL MEETING

- 10.1.1 Delegates of the ETFO – Toronto Occasional Teachers' Local to the ETFO Annual Meeting shall be:
- (a) the elected President, Vice-Presidents (2), Treasurer and Secretary.
 - (b) elected from the membership, by secret ballot, at the February Local General Meeting to make up the complement of Local delegates for the ETFO Annual Meeting.
 - (c) Delegate candidates will follow the election procedures as developed by the Elections Committee and approved by the Executive.
 - (d) The vote count for all elected positions shall be released to the members.
- 10.2.1 Names of delegates to the ETFO Annual Meeting shall be forwarded to the provincial office in accordance with provincial guidelines.
- 10.2.2 The ballots will be destroyed thirty (30) days following the vote count.

ARTICLE XI – RESOLUTIONS TO THE ETFO ANNUAL MEETING

- 11.1.1 Resolutions to the ETFO Annual Meeting shall be passed at a Local General Meeting.

ARTICLE XII – AMENDMENTS TO THE LOCAL CONSTITUTION

- 12.1.1 Proposed amendments to the Local Constitution must be submitted to the Local office in writing or by email no less than thirty (30) days prior to the Local Annual Meeting.

- 12.2.1 All proposed constitutional amendments shall be posted on the Local's website at least 14 days prior to the Local Annual Meeting.
- 12.3.1 Amendments to the Constitution may be made at the Local Annual Meeting by the affirmative vote of at least 60% of the members present.

ARTICLE XIII – FINANCES

- 13.1.1 The Executive of the Local shall develop a financial policy.
- 13.2.1 The signing officers of the Local shall be the President, the Treasurer and one other member appointed by the Executive.
- 13.3.1 All financial transactions shall be signed by two signing officers.
- 13.4.1 The fiscal year for the ETFO – Toronto Occasional Teachers' Local shall be the period from July 1 of one calendar year to June 30 of the succeeding calendar year.
- 13.5.1 Any unbudgeted expenditure between \$500 and \$999 shall be approved by the executive prior to the expenditure. ("Unbudgeted expenditure" shall be defined in this constitution as any expenditure not categorized within an existing budget line or a categorized expenditure that results in a sum total that exceeds the budget for that line.)
- 13.5.2 Unbudgeted expenditures between \$1,000 and \$25,000 require Executive approval by recorded vote prior to the expenditure. The recorded vote(s) will be reported at the next General Meeting. The total of Executive-approved unbudgeted expenditures shall not exceed \$25,000 per fiscal year.
- 13.5.3 Unbudgeted expenditures greater than \$25,000 requires approval by membership vote at a General Meeting prior to the expenditure.
 - 13.5.3.1 Notice of the exact motion must be published to advise the membership when a major expenditure will be tabled at the next general meeting.
 - 13.5.3.2 Notwithstanding 8.1.1, a General Meeting, at which a motion on an Unbudgeted expenditure greater than \$25,000 will be tabled, shall require quorum of 75% of the members present at the time the meeting is called to order. Quorum cannot be less than 50 members. Should quorum be lost, the motion cannot be tabled.

BYLAWS

BYLAW I FEES

- 1.1.1 Each member of the Local shall pay a daily fee as prescribed by the Bylaws of ETFO.
- 1.2.1 A local levy of .01 percent (gross salary x .0001) shall be deducted from each member's salary and the TDSB is authorized to make such deduction at source and remit the deducted funds to ETFO - Toronto Occasional Teachers' Local.
- 1.3.1 The method of payment of the daily fee and levy shall be as set out in the collective agreement between the Local and the Toronto District School Board.

BYLAW II RELEASE TIME

Section 1 – President's Release

- 2.1.1 The position of President shall be a full-time release position.
- 2.1.2 The President's salary shall be paid according to the following:
 - a) Q.E.C.O. placement;
 - b) all teaching experience including contract, daily and long-term experience to a maximum of A4, Step 10 on the Toronto District School Board Teachers' grid;
 - c) all Teacher Federation/Union paid Occasional Teacher release days shall be recognized to determine grid placement.
- 2.1.3 Documentation of the above experience shall be required.

Section 2 – Vice-presidents' Release

- 2.2.1 The positions of First and Second Vice-President shall be full-time release positions.
- 2.2.2 The Vice-President's salaries shall be determined by the same criteria as the president's salary.

Section 3 – Treasurer's Release

- 2.3.1 The position of Treasurer shall be a minimum of a 0.2 release position.
- 2.3.2 Any additional release for the Treasurer shall be determined by the Local Executive.
- 2.3.3 The Treasurer's salary shall be determined by the same criteria as the President's salary.

Section 4 – Secretary's Release

- 2.4.1 The position of Secretary shall receive a payment equivalent to a half day release at their daily rate for each set of Local minutes completed.

Section 5 – Member Release

- 2.5.1 Any member who is released by the Executive from teaching duties on a regularly scheduled basis for more than the LTO threshold, shall be paid at his/her long-term grid rate, as determined by the same criteria as the President's salary.
- 2.5.2 Any member who is released by the Executive from teaching duties on an occasional basis shall be paid at his/her appropriate daily rate.

BYLAW III FINANCES

Section 1 – Reserve Funds

3.1.1 The Reserve Funds shall be the monies of the Local and shall be used for:

- (a) expenditures as part of the operation of the Local, in a budget presented and approved at a General Meeting of the membership;
- (b) Unbudgeted expenditures in accordance with 13.5.2 through to 13.5.2.3 inclusive.