

PREAMBLE

These By-Laws, in general, pertain to matters of Group organization not covered by the By-Laws and Regulations of The Professional Institute of the Public Service of Canada and are made pursuant to those By-Laws and Regulations.

DEFINITIONS

"Institute" and/or "PIPSC" means The Professional Institute of the Public Service of Canada".

"Members" means those who meet the requirements of By-Law 3 (Membership).

"Employer" shall be as defined in the Group's collective agreement.

"NB-LA" means the New Brunswick Legal Aid Group.

"President" means President of the Group unless otherwise specified.

"Vice-President" means Vice-President of the Group unless otherwise specified.

BY-LAW 1 NAME

The name of this Group shall be the PIPSC New Brunswick Legal Aid Group, hereinafter referred to as the "Group".

BY-LAW 2 GROUP AIM

The aim of the Group shall be to further the professional interests of its members; to protect the status and standards of their professions; to formulate and express the views of the members on matters affecting them, and to ensure that the interests of the Group are represented in all proceedings of the employer and of the Institute that may affect the Group. The Group Executive shall speak for the Group in dealing with the Institute. This in no way infringes on the right of an individual to approach the Institute on his/her own behalf.

BY-LAW 3 MEMBERSHIP

3.1 Every member who belongs to the Group and who is a Regular member of the Institute shall also be a Regular member of the Group.

3.2 Every Regular member of the Group who becomes a Retired member of the Institute shall also become a Retired member of the Group.

BY-LAW 4 RIGHTS OF MEMBERS

4.1 All members shall be eligible to hold office, nominate members for positions on the Group Executive, propose amendments to the Constitution and By-Laws of the Group, and vote in Group affairs.

4.2 All members shall be eligible to attend and speak at General Meetings of the Group.

4.3 Only Regular members shall be eligible to vote on matters related to collective negotiations and the ratification of proposed collective agreements.

BY-LAW 5 FINANCES

5.1 Group Finances: Group finances shall be consistent with Institute policies.

5.2 Fiscal Year: The fiscal year of the Group shall be the calendar year.

5.3 Expenditures: The Group Executive shall expend such monies as it considers necessary for the conduct of the business of the Group.

5.4 Group Funds: Group funds will be maintained in an account assigned by the Institute.

5.5 Signing Officers: Signing officers are elected or appointed by the Constituent Body executive with the decision being recorded in the appropriate minutes. There should be a minimum of two (2) signing officers.

5.6 Signatures: Financial transactions shall require the signatures of any two (2) of the President, Vice-President, and Secretary-Treasurer of the Group. A signing officer cannot also be the payee.

5.7 Records A written account shall be kept of all expenditures.

5.8 Auditing: ;As required, auditing and verification procedures shall be carried out by members of the Group who are not responsible for the administration of Group funds.

BY-LAW 6 GROUP EXECUTIVE

6.1 Role: The Group Executive shall exercise the authority of and act on behalf of the Group on all matters subject to this constitution between general meetings of the Group.

6.2 Composition: The Group Executive shall be composed of a President, a Vice-President, a Secretary-Treasurer and Members-at-Large to the maximum permitted by Institute By-Laws, elected by and from the Group members.

6.3 Term of Office: The term of office shall be two (2) years.

6.4 Meetings: The Group Executive shall meet as frequently as is required, but at least twice a year.

6.5 Quorum: A quorum shall consist of a majority of the members of the Group Executive.

6.6 Voting: Decisions shall be by majority vote.

6.7 Vacancies:

6.7.1 If the position of the President becomes vacant for any reason, the Vice-President shall become President until the next election.

6.7.2 If a position, other than that of the President, becomes vacant for any reason, the remaining members of the Executive may act to fill the vacancy until the end of the original term of office or select an eligible member of the Group to fill that vacancy until the next election.

6.7.3 Any member who is absent from two (2) consecutive meetings of the Executive without valid reason shall be considered to have resigned from the Executive.

6.8 Duties

6.8.1 President The President shall call and preside at all meetings of the Group and of the Group Executive, and shall present to the Annual General Meeting a report on

Group activities. The President is an Ex-Officio member of all committees except where excluded by these By-Laws and Regulations.

6.8.2 Vice-President The Vice-President shall assist the President in the performance of his/her duties, and in the absence of the President, perform the duties of that position.

6.8.3 Secretary-Treasurer The Secretary-Treasurer shall be responsible for sending notices of all meetings of the Group and of the Group Executive, record minutes of meetings, including attendance, maintain records and correspondence of the Group and of the Group Executive, ensure that a copy of minutes are filed with the Institute, maintain the financial records of the Group as required by Institute policy, prepare a financial report for each meeting of the Group Executive and each General Meeting of the Group, submit a detailed financial statement to the Institute as required, and prepare the request for the annual allowance of the Group. Copies of the financial report shall be available to all Group members.

6.8.4 Members-at-Large Members-at-Large shall perform such duties as may be assigned by the Executive.

6.8.5 Committees The Executive may establish committees as necessary, with terms of reference and membership to be decided by the Executive. Copies of Committee reports shall be filed with the Group Secretary-Treasurer. Committees shall be dissolved by majority vote of the Executive.

BY-LAW 7 ELECTIONS

7.1 Elections Committee The Group Executive shall appoint an Elections Committee to receive nominations for positions on the Group Executive, and to conduct the elections. Any member of the Elections Committee who becomes a candidate in the election shall resign from the Elections Committee.

7.2 Procedure for Nominations

7.2.1 The Elections Committee shall distribute a request for nominations to all members of the Group at least two (2) weeks prior to the closing date for nominations.

7.2.2 Nomination forms must be received at the National Office of the Institute by the close of business on a date to be determined by the Elections Committee. In the event that insufficient nominations are received to fill the vacancies, the Elections Committee

shall attempt to obtain the names of additional persons willing and able to serve sufficient to fill the remaining vacancies. If none are forthcoming, the Executive may appoint someone to that position.

7.2.3 Nominations must be supported by at least two (2) members of the Group and the nominee must indicate a willingness to serve if elected.

7.2.4 The Elections Committee shall scrutinize the nominations for eligibility and, if necessary, arrange for ballots to be distributed to all members eligible to vote in the election.

7.3 Election Procedure

7.3.1 Elections shall occur at the Group Annual General Meeting.

7.3.2 The Elections Committee shall serve as Returning Officers and shall establish procedures for the efficient conduct of an election, the counting and tabulating of ballots and all matters directly related thereto not otherwise specified in these By-Laws.

7.3.3 Ballots must be distributed at least four (4) weeks prior to the date set as the deadline for the return of ballots.

7.3.4 Ballots must be received at the National Office of the Institute by the close of business on a date to be determined by the Elections Committee.

7.3.5 The candidate receiving the highest number of votes for a position shall be declared elected.

7.3.6 The Elections Committee shall ensure the membership is informed of the results of the election as soon as possible.

7.3.7 The newly elected Executive shall take office immediately following the announcement of the results of the election.

BY-LAW 8 GENERAL MEETINGS OF THE GROUP

8.1 Annual General Meeting

8.1.1 The Annual General Meeting of the Group is its governing body. All members are entitled to attend.

8.1.2 The Group Executive shall call an Annual General Meeting of the Group once each calendar year. The interval between such meetings shall not exceed fifteen (15) months. Members shall be notified of the meeting and of any proposed changes to this constitution at least four (4) weeks prior to the date of the meeting.

8.1.3 Quorum Fifty percent (50%) of the members in attendance at the beginning of the meeting shall constitute a quorum.

8.1.4 Agenda The agenda shall include the following items:

Approval of the Agenda

Adoption of the Minutes of the previous Annual General Meeting

Business Arising from the Minutes

Report of the President

Annual Financial Report

Approval of Budget

Report of the Elections Committee

New Business, including Proposed By-Law Amendments

8.1.5 Voting on Motions All members present at the Annual General Meeting are eligible to vote. Voting shall normally be by a show of hands and each member shall have one (1) vote. Decisions shall be by a simple majority vote.

8.1.6 Filing of Documents Each year, following the Annual General Meeting, the Group Executive shall submit a copy of the draft AGM minutes, the annual financial report and the elections report to the Office of the Executive Secretary of the Institute prior to the end of the calendar year.

8.2 Special General Meetings

8.2.1 A Special General Meeting of the Group shall be called by the Group Executive or at the written request of at least 10% of the Group members. This meeting shall be held within six (6) weeks of such call or request.

8.2.2 Only the matter(s) for which the Special General Meeting was called shall appear on the agenda.

8.2.3 The same requirements shall apply to the notice, quorum, governance, attendance and voting at Special General Meetings as are prescribed for the Annual General Meeting.

BY-LAW 9 RULES OF PROCEDURE

At any meeting of the Group or Group Executive, or Committees thereof, matters of procedure, insofar as they are not specifically provided for, shall be governed by a majority vote of the members present and voting on the matter of procedure. The Chair of such meeting shall first rule on any matter of procedure or order and shall, in the absence of any By-Law to the contrary, rely upon and be governed by the latest edition of the American Institute of Parliamentarians Standard Code of Parliamentary Procedure or “Le code des procédures des assemblées délibérantes” available at the meeting.

BY-LAW 10 CONSTITUTION AND BY-LAWS

10.1 These By-Laws may be amended at a General Meeting of the Group. Approval of proposed amendments requires a simple majority of those voting.

10.2 All proposals for amendments to these By-Laws shall be submitted, in writing, to the Group Executive. Proposed amendments may be submitted by any member of the Group. The notice of the Group meeting at which the amendments will be considered, shall include:

a)the article to be amended; and

b)the new wording.

10.3 New Constitutions and By-Laws, as well as any amendments, shall be submitted to the Institute By-Laws and Policies Committee for review.

10.4 This Constitution and By-Laws and any amendments thereto shall take effect upon ratification by the Group membership and approval by the Institute.

BY-LAW 11 REGULATIONS

11.1 The Group Executive may make such Regulations and any amendments thereto, not inconsistent with these By-Laws, as it deems necessary or convenient for the operating of the Group.

11.2 All proposed Regulations and amendments thereto shall be submitted to the Institute for review and approval. They shall take effect on a date determined by the Group Executive, but not earlier than the date they were approved by the Institute.

11.3 Each such Regulation shall be presented to the next General Meeting of the Group, and may be rescinded or amended by such meeting. These constitute changes to the Regulations and shall be subject to Article 11.2.

BY-LAW 12 CONTEXT AND GENDER

In this Constitution and By-Laws, expressions in the masculine or feminine gender, in plural or in singular, may be substituted to give effect to the true meaning of the Constitution and By-Laws.

BY-LAW 13 DISCIPLINARY MEASURE

Disciplinary measures may be taken in accordance with the By-Laws and Regulations of
the Institute

**Approved by the Board of Directors
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