


NAIT ACADEMIC STAFF ASSOCIATION

AMEND.068 BYLAW TO AMEND POLICY BYLAW COMM.004 BARGAINING COMMITTEE BYLAW

First Reading: 02-01-2023/2022/23-02-067 Second Reading: 02-01-2023/2012/23-02-068
(Date/Motion) (Date/Motion)

Third Reading: 02-15-2023/2022/23-02-076
(Date/Motion)


(President Signature)

Amendments: *Italics* represents additional or new wording. ~~Crossed-out~~ represents wording being deleted.

1. Composition, Method of Selection and Terms of Office

~~1.1 The Bargaining Committee shall consist of up to six (6) elected members, one appointed representative from the Executive, the Labour Relations Officer and the President. The President shall serve as Chairperson of the Committee and liaise with the Executive.~~

1.1 The Bargaining Committee shall be open to election and appointment as follows:

- a) One representative elected for each department in the NAIT schools.*
- b) One representative elected by Librarians.*
- c) One representative elected by Counsellors.*
- d) One representative elected by Curriculum & Instructional Specialists.*
- e) One representative elected from Chairs.*
- f) One representative of non-permanent staff elected from those who exclusively work as Temporary and Casual members.*
- g) The President, who shall serve as chair.*
- h) The Labour Relations Director, who shall serve as spokesperson with voice but no vote.*
- i) Any outside agents or NASA members as approved by the Executive.*

~~1.2 The elected members of the Bargaining Committee shall serve a term of two (2) years.~~

1.2 The elected members of the Bargaining Committee shall serve a term of two (2) years between collective agreements. When negotiations take place during the term, the Bargaining Committee shall serve their term as long as necessary to ratify a collective agreement.

~~1.3 Three members shall be elected in even numbered years and three members shall be elected in odd numbered years.~~

1.3 Only the body of members being represented shall be eligible to vote for the representatives listed in 1.1 a) through f). Where a NASA member belongs to more than one body, for example a Casual who is also a Librarian, they will be eligible to vote in each of the applicable elections. The body of Temporary and Casual members shall consist of those who work exclusively as Temporary and/or Casual, and not any NASA member who holds a Continuous position.

1.4 NASA members who belong to multiple bodies of members may not be nominated for or serve on multiple positions on the Bargaining Committee.

1.5 Bargaining surveys will take place prior to negotiations. The NASA Executive may require completion of bargaining surveys prior to opening nominations for the Bargaining Committee per 1.1.

2. Duties and Responsibilities

- 2.1 Review and recommend to the Executive policies and procedures pertaining to the collective bargaining process.
- 2.2 Identify skill sets and training needed for effective bargaining.
- ~~2.3 The Bargaining Committee shall nominate, for approval by Executive, the members of the Bargaining Team. The Bargaining Team shall be formed in a timely manner and shall continue until there is a new Collective Agreement in place.~~
- 2.3 Acquire and analyze information for use in the bargaining process.*
- ~~2.4 Acquire and analyze information for use in the bargaining process.~~
- ~~2.5 Solicit input, identify issues, and discuss them with the members.~~
- 2.4 Solicit input, identify issues, and discuss them with the members.*
- ~~2.6 Develop bargaining proposals.~~
- 2.5 Develop bargaining proposals and present them to the Executive for discussion.*
- ~~2.7 Provide regular progress reports to the Executive and the membership. The opening positions of the Bargaining Team shall be revealed to the membership before the end of negotiations.~~
- 2.6 Present at the bargaining table the proposals of the Association and attempt to negotiate a Memorandum of Agreement with the Board of Governors.*
- ~~2.8 Mentor the Bargaining Team during the bargaining process.~~
- 2.7 Provide Negotiations updates to the membership after each session of bargaining, unless restricted by a mediator, arbitrator, Alberta Labour Relations Board, or any other applicable law or regulation.*
- ~~2.9 Assist the Labour Relations Officer with the arbitration brief.~~
- 2.8 Assist the Labour Relations Director with an arbitration brief where applicable.*
- ~~2.10 Present any tentative Memorandum of Agreement to the Executive for approval.~~
- 2.9 Present any tentative Memorandum of Agreement to the Executive for approval.*
- ~~2.11 Assist the Executive in presenting any approved Memorandum of Agreement to the membership for ratification.~~
- 2.10 Assist the Executive in presenting any approved Memorandum of Agreement to the membership for ratification.*
- ~~2.12 Prepare a draft Committee Budget for submission to the Finance Committee.~~
- 2.11 Prepare a draft Bargaining Committee Budget for submission to the Finance Committee.*

3. Operational Procedures

- ~~3.1 Meetings shall be called by the Chairperson or at the direction of the Executive.~~
- 3.1 Meetings shall be called by the President or at the direction of the Executive.*
- 3.2 A quorum shall consist of not less than half the voting members of the Committee.
- 3.3 Minutes of meetings shall be maintained and made available to the membership through the Executive.

4. ~~Bargaining Team~~

- 4.1 ~~The Bargaining Team, a sub-committee of the Bargaining Committee, shall consist of the three members appointed from the Bargaining Committee, the Labour Relations Officer, and any outside agents as approved by the Executive. The Labour Relations Officer shall chair the Bargaining Team.~~
- 4.2 ~~The Bargaining Team shall:~~
- a) ~~in conjunction with the Bargaining Committee, discuss the opening proposals with the Executive;~~
 - b) ~~present at the bargaining table the proposals of the Association and attempt to negotiate a Memorandum of Agreement with the Board of Governors;~~
 - e) ~~in conjunction with the Bargaining Committee, provide regular progress reports to the Executive and the membership;~~
 - d) ~~in conjunction with the Bargaining Committee, present for Executive approval the tentative Memorandum of Agreement; and~~
 - e) ~~sign the approved Memorandum of Agreement, and in conjunction with the Bargaining Committee and Executive, present the Memorandum of Agreement to the membership for ratification.~~
- 4.3 ~~After the Bargaining Team signs a Memorandum of Agreement, the Memorandum of Agreement must be ratified by the members and the Board before it comes into effect.~~

4. *Vacancies*

- 4.1 *Any member of the Bargaining Committee who is absent for three consecutive Bargaining Committee meetings without notification and cause, will be deemed to have resigned their position.*
- 4.2 *When vacancies arise in the middle of a term through resignation, by Bargaining Committee members no longer holding NASA membership, or other means, the Bargaining Committee should call for a by-election, or may request that the NASA Executive appoint a replacement.*
- 4.3 *When vacancies arise due to unfilled nominations, the NASA Executive may appoint NASA members to the Bargaining Committee to fill that position from the body of members to be represented per I.1.*

5. **Ratification of a Collective Agreement**

- 5.1 ~~The Bargaining Team shall ask the Executive to call a Special Meeting (as per Article 4.02 of the Constitutional Bylaw) to present the Memorandum of Agreement for ratification.~~
- 5.1 *The Bargaining Committee shall present the Memorandum of Agreement to the Executive for approval. The Bargaining Committee will then ask the Executive to call a Special Meeting (as per Article 4.02 of the Constitutional Bylaw) where the Bargaining Committee will present the Memorandum of Agreement for ratification.*
- 5.2 ~~The ratification vote will take place one working day after the presentation of the Memorandum of Agreement or as soon as possible thereafter.~~
- 5.2 *The ratification vote will take place no longer than one week after the presentation of the Memorandum of Agreement or as soon as possible thereafter. The Memorandum of Agreement must be ratified by the members and the Board before it comes into effect. Once ratified the President and Labour Relations Director shall sign the agreement.*
- 5.3 ~~An Absentee Voter is a member who is on leave or has been assigned duties in a location which does not have online access. Absentee voting shall take place by telephone between 8:00 am and 4:00 pm (Edmonton, Alberta time) on the first day of voting. It is the responsibility of the member to make arrangements with the Returning Officer, through the NASA Office, for a secure method of casting a vote. These arrangements must be made in person not less than three days prior to the first day of voting.~~

5.3 *An Absentee Voter is a member who does not have online access on the day(s) of voting. Absentee voting shall take place by telephone between 8:00 am and 4:00 pm (Edmonton, Alberta time) on the first day of voting. It is the responsibility of the member to make arrangements with the Returning Officer, through the NASA Office, for a secure method of casting a vote. These arrangements must be made in person not less than three days prior to the first day of voting.*

~~5.4 The Returning Officer shall administer and supervise the ratification vote.~~

~~Duties of the Returning Officer:~~

- ~~a) Ensure a fair and equitable ratification vote by enforcing voting procedures.~~
- ~~b) Appoint a delegate for the purpose of administering absentee votes.~~
- ~~c) Verify the most recent membership information (name and ID number) is uploaded into the electronic voting system.~~
- ~~d) Verify computer tabulation of voting results.~~
- ~~e) Report the results of the vote to the Executive, Bargaining Team and the membership by the most efficient means available.~~

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- a) Ensure a fair and equitable ratification vote by enforcing voting procedures.*
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- c) Verify the most recent membership information (name and ID number) is uploaded into the electronic voting system.*
- d) Verify computer tabulation of voting results.*
- e) Report the results of the vote to the Executive, Bargaining Committee and the membership by the most efficient means available.*

~~5.5 In the event that a ratification vote takes place between June 1 and August 31, the Executive may direct the Returning Officer to organize a mail in ballot.~~

~~5.6 If the Memorandum of Agreement is rejected by the membership, the Bargaining Team (in consultation with the Bargaining Committee and the Executive) will determine an appropriate course of action.~~

5.5 *If the Memorandum of Agreement is rejected by the membership, the Bargaining Committee (in consultation with the Executive) will determine an appropriate course of action.*

~~5.7 If a new Memorandum of Agreement is negotiated, the process described above will be repeated.~~

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~~5.8 Prior to arbitration any changes to the Collective Agreement agreed to by the parties shall be presented to the membership for ratification.~~

6. **Recall**

6.1 *A NASA member elected to the Bargaining Committee may be recalled by the body of members that elected them.*

6.2 *A Recall Petition signed by no fewer than 50 (fifty) percent of the body of members that elected a representative is required to present to the NASA Executive to approve or decline a Bargaining Committee Member Recall Meeting.*

6.3 *Quorum for the Bargaining Committee Recall Meeting shall be no fewer than 50 (fifty) percent of the body of members that elected the representative facing recall.*

6.4 *The only business to be conducted at the Bargaining Committee Recall Meeting shall be a motion to recall the Bargaining Committee representative, which requires a vote of two-thirds of the members present to pass. Voting shall be limited to members from the body that elected the representative.*

6.5 *Should a Bargaining Committee member be recalled; a by-election shall take place as soon as reasonably possible.*