

# **JOINT ADMINISTRATIVE COMMITTEE (JAC) BY-LAWS**

June 2016

The Joint Administrative Committee By-Laws have been established pursuant to Article 6 of the *Memorandum of Understanding* between the Coordinating Committee of Registered Employers' Organizations (the "**Coordinating Committee**") and the Building Trades of Alberta (the "**BTA**") which shall be referred to collectively as the "**Parties**".

#### **ARTICLE 1: PURPOSE**

These By-Laws provide the terms of reference and governance structure for the **Joint Administrative Committee** (the "**JAC**") for the purpose of the administration of the *Jurisdictional Assignment Plan of the Alberta Construction Industry* (the "**Plan**") as reflected in the above-referenced *Memorandum of Understanding*.

#### **ARTICLE 2: STRUCTURE**

There shall be 10 members of the JAC, of which 5 shall be appointed by each of the Parties. JAC members shall serve until their resignation or replacement. The JAC shall appoint by majority vote two of their number to act as Co-Chairs, one from each respective Party, for a term of three (3) years. The Co-Chairs may be reappointed for additional three (3) year terms if the JAC members so agree.

When either appointing Party wishes to replace a JAC member, they shall advise the Plan Secretary in writing of the replacement.

No vacancy on the JAC shall prevent the JAC from continuing in its duties and obligations under the Plan. Vacancies shall be filled by the appointing Party within a reasonable time of the vacancy occurring or the other Party may request an appointment.

The JAC shall appoint a Plan Secretary who shall keep minutes of all meetings, proceedings and acts of the JAC and shall assist in an administrative capacity. The Plan Secretary shall ensure an alternate Plan Secretary is available at all times, subject to agreement by the JAC. The Plan Secretary and alternate Plan Secretary have no vote.

#### **ARTICLE 3: MEETINGS**

The Co-Chairs shall alternate the responsibility of chairing JAC meetings. Quorum consists of at least 3 JAC members from each of the Parties.

Meetings of the JAC shall be held from time to time at such place in Alberta as the JAC may determine. The Plan Secretary shall provide advance notice of the time and place of each meeting. JAC members may participate in meetings by phone or video conference if they are unable to attend in person. There shall be a minimum of 2 meetings of the JAC per year.

Meetings shall be run in accordance with Robert's Rules of Order. Decisions of the JAC shall be made by a majority vote of the members present at a meeting by a show of hands. In the event a majority vote is not passed, the Co-Chairs shall provide a joint decision. If the Co-Chairs are unable to provide a joint decision, there shall be no decision.

Actions may be taken and decisions made by the JAC without a meeting, provided that in such cases, there is unanimous written concurrence by all JAC members, and that all such decisions are ratified at the next JAC meeting. Email is an acceptable means of written concurrence.

#### **ARTICLE 4: POWERS**

The JAC is authorized and responsible for the following, in addition to such other powers set forth herein, or in the *Memorandum of Understanding*:

- (a) To determine the best methods of accomplishing the objectives of the Plan in the most efficient and economical manner.
- (b) To make recommendations to the Parties on amendments to the *Plan Rules* and *Memorandum of Understanding*.
- (c) To do all acts, whether or not expressly authorized herein, and to enter into any contracts or agreements which the JAC may deem necessary to accomplish the objectives and administration of the Plan.
- (d) To delegate any of its administrative powers or duties to any agents or employees in such manner and subject to such terms and conditions as the JAC may deem necessary or appropriate.
- (e) To appoint a Plan Secretary, or in the alternative appoint a 3<sup>rd</sup> party Administrator as the JAC may deem necessary or appropriate.
- (f) To appoint and to terminate such an arrangement, an Umpire or Umpires on such terms and conditions of engagement as it considers appropriate. The JAC shall review such appointments from time to time, but at least every 2 years and may determine to replace an Umpire or Umpires.
- (g) In selecting an Umpire or Umpires, the JAC shall establish a Selection Sub Committee equally represented by each Party. This Committee shall interview candidates and make recommendations to the JAC on appointing an Umpire or Umpires.
- (h) To establish a Remuneration Policy with respect to compensating the Umpire or Umpires and Appeal Board members for time and expenses related to the performance of their

obligations under the Plan. This Policy shall be reviewed on a regular basis by the JAC and may be amended accordingly. The Policy shall be filed and maintained by the Plan Secretary.

- (i) To determine a filing fee for Requests for Review and Appeals.

#### **ARTICLE 5: AMENDMENTS**

The JAC shall make recommendations for amendments to these By-Laws to the Parties. No amendments shall take effect unless they are subsequently agreed to by the Parties.

#### **ARTICLE 6: COST SHARING**

Any and all costs associated with the administration and operation of the Plan shall be shared equally between the Parties. All expenditures shall be reviewed and approved by the JAC prior to any payments being made by the Parties.