

Constitutional Interpretation:

Eligibility for Local Office and Delegate Positions

The eligibility rules in Article 4 of the HEU Constitution and Bylaws were originally designed to encourage active participation and protect locals from long-term absentee leadership. Over time, and with significant restructuring in the health care sector, the language has created confusion, disputes, and avoidable barriers for members who want to serve their union.

This interpretation provides practical direction on how Article 4 may be applied, including clarity for members who work in more than one local, based on the existing language in the Article. Its purpose is to ensure fairness, consistency, accuracy, and transparency across all locals in its application.

Note that this interpretation does not supersede the HEU Constitution and Bylaws as it is meant to provide guidance on the application of Article 4. If a conflict arises through the application of this interpretation and the HEU Constitution and Bylaws, the HEU Constitution and Bylaws will take precedence. This interpretation is subject to change in accordance with any amendments made to the HEU Constitution and Bylaws.

1. What 50% of meetings really means:

- Members must have attended at least half of their regular monthly local meetings in the 12 months before the nomination meeting, excluding the election meeting itself. Eligibility must be determined before nominations open.
- Only regular monthly meetings count. Special meetings do not count.
- Meeting attendance counts even if quorum is not reached.
- For new members, the 50% calculation begins with the first regular meeting after their hire date.
- Newly certified locals do not need to apply eligibility requirements in the year they are established as a new local.

2. Letters of legitimate absence (Regrets)

- Members can receive credit for up to two missed meetings per year when they submit a letter of regret for illness, work obligations, or vacation, approved by the local executive.

- Regrets must be submitted before the meeting or within 10 days after the missed meeting.

3. Absences due to union business

- If a member is absent because they were conducting union work or education, they are automatically credited attendance. This applies to all meetings missed regardless of how many. Though a written notice is not required by the Constitution and Bylaws, members are strongly encouraged to submit a brief written notice so that records are clear and easily verifiable if needed.

4. Members working in more than one local

- Where a member holds more than one position, whether permanent or casual, represented by different Locals, the member may be a delegate or run for a position in either Local only under the following circumstances:
 - i. The member verifies that they have worked at the site associated with the Local they wish to run for within the last 12 months; and
 - ii. They meet eligibility requirements for that Local.
- “In the case of a member being **seconded** to temporarily work at a different Local than their original Local, or being permanently transferred to a different Local, the member can count attendance at regular monthly meetings at the former Local towards fulfilling their eligibility requirements.” It is understood that:
 - i. Secondment occurs when the employer temporarily assigns an employee to a new position at another site that is represented by a different Local. This does not include redeployment for the purposes of filling a vacant shift.
 - ii. In the case of secondment only, the following rules shall apply:
 1. Members who have permanently transferred can only be delegates from the Local at which they currently work;
 2. Members who are being seconded temporarily can be delegates from their original or seconded Local;
 3. The member must arrange notification of meeting credits between the Local Executives prior to the nomination process. If not provided in time, eligibility will NOT be adjusted afterward because it may affect who can run; and
 4. They may only receive up to one meeting credit per month, even if they attended both Local’s meetings.

5. Ineligible candidates for local executive positions

- If no eligible member is willing to accept a nomination for a Local officer position, then an ineligible member may run and may be acclaimed or elected.
- But if even one eligible member accepts a nomination, then no ineligible member may run for that position.
- This exception **only** applies to local executive positions.

6. Delegate elections

- A member **must** meet eligibility requirements to be elected as a delegate to conventions or bargaining Conferences.

7. Local By-Laws

- Article 14 allows for a Local to adopt a by-law that has additional eligibility requirements but may not be less than. The only way to change Article 4 is through a constitutional amendment at HEU Convention.