

May 3, 2005

Mr. [REDACTED]
[REDACTED]
[REDACTED]

RE: Standing of Your Nomination, President, Ottawa District Branch

Brother [REDACTED]:

A member in good standing of the Ottawa District Branch, Brother [REDACTED], recently and formally requested that I examine the aforementioned subject matter and issue a ruling in consequence on your eligibility to run for Union Office in the Ottawa District Branch. To this end, I carried out a relatively in-depth assessment, as well as turned to the Executive Branch of the PSAC, for additional information, and offer this ruling.

You reside and work in Sault Ste Marie, Ontario, which is where members normally represented by CEUDA's Northern Ontario District Branch work. Because of a current work arrangement with the employer, you report to an office in eastern Ontario, which is where members normally represented by CEUDA's Ottawa District Branch work.

While the question of whether or not you should continue to be a member of the Ottawa District Branch is a valid question in and of itself, this correspondence and my ruling will only deal with the question of whether or not your Nomination for a position on the Ottawa District Branch Executive can be accepted.

For our purposes, circumstances are such that the type of arrangement you have with the employer is similar and identical to a *secondment*. While one could argue that your particular arrangement is more of an *accommodation* than a *secondment*, reality is that you live and work more than 900 km away from the office to which you report; this makes your situation indistinguishable from a *secondment* in that the end result is the same.

While a significant portion of Brother [REDACTED] concerns gravitated around the travel costs that would be associated with your ability to represent members of the Ottawa District Branch, these had no bearing on my ruling, although I nevertheless consider them to be very valid concerns.

Brother [REDACTED], I want to assure you that I analysed the situation from every angle. I considered, for example, the fact that you continue to report to the Ottawa Trade Office and that on occasion you may even carry-out a portion of your duties in that Office. I believe however that this portion of work must clearly be minute in relation to your total workload and I can't see how this would have a bearing on my ruling.

As I mentioned at the outset, I consulted with the Executive Branch of the PSAC. I did this because CEUDA always endeavours to respect the spirit and intent of the PSAC Constitution, as well as jurisprudence established by the PSAC National President when ruling on constitutional matters. CEUDA's By-Laws and Branch Rules can add but never take away from the PSAC Constitution or its jurisprudence. In this respect, it becomes important to note that Sister Nycole Turmel ruled on April 4, 2005, that "a nominee for office as a Regional Executive Vice-President or an Alternate shall work or reside in the area to be represented."

As such I am bound to rule in keeping with the jurisprudence established by the PSAC National President and find that a CEUDA member who wishes to hold Union office in a CEUDA Branch must reside or work in the jurisdiction of the Branch in which s/he wishes to hold office.

I therefore regret to inform you that your Nomination for position of President for the Ottawa District Branch cannot stand, despite the current work arrangement you have with the employer.

I trust you will accept the position to which I am bound.

This ruling is subject to review by the CEUDA National Board of Directors, in keeping with By-Law 13, Section 1, Sub-section b, or directly through the office of the PSAC National President, given I am, at least in part, relying on a recent PSAC constitutional interpretation provided by her office.

Please do not hesitate to contact me at your convenience should you wish to discuss the matter further.

In solidarity,

Ron Moran
National President

Copies: [REDACTED] Member
Ottawa District Branch

[REDACTED], Chair
Nominations & Elections Committee
Ottawa District Branch

[REDACTED]
PSAC Executive Branch

[REDACTED], President
Ottawa District Branch

[REDACTED], President
Northern Ontario District Branch

CEUDA National Executive