



## **SEIU Local 1021 PROCEDURE FOR FILING CHARGES IN DISPUTES BETWEEN MEMBERS**

All parties involved in a dispute that is union-related have the obligation to exhaust all informal remedies before filing formal charges under this procedure. The union's goal is to resolve disputes between members at the lowest possible level.

- (1) An individual member who has a disagreement with or complaint against another member regarding union-related activity should first attempt to resolve the problem by discussing it with the member. A chapter/jurisdiction officer or steward may be present at the discussion at the request of either member.
- (2) If the parties cannot resolve the disagreement, either party may request the assistance of the field director. The parties will be required to agree to good faith mediation with the field director and/or an assigned worksite organizer within thirty (30) calendar days of the request.
- (3) If there is no resolution following the above steps, a member may file formal charges. In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply.

**BASIS OF CHARGES:** Charges may include the following:

- Violation of a specific provision of the Local 1021 or SEIU constitution.
- Financial malpractice.
- Wrongful taking or retaining of any money, books, papers, or any other property belonging to the union; or the wrongful destruction, mutilation, or erasure of any books, records, bills, receipts, vouchers, or other property of the union.
- Engaging in corrupt or unethical practices.
- Advocating or engaging in dual unionism, decertification, or secession.

**FILING:** Charges must be submitted in writing and must specify the events or acts which constitute the basis of the charges and/or specify the section of the Local 1021 or SEIU constitution violated. If the charges, upon review, are determined by the hearing panel not to state a violation or be unrelated to union activities, the hearing panel may dismiss the charges before the hearing. If the charges, upon review, are determined by the hearing panel to be unspecific, the hearing panel may dismiss the charges before the hearing; however, the panel may permit the re-filing of more specific charges. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis of the charges.

Charges are to be filed with the secretary of the union (or the vice president if the charge is against the secretary) with copies to the president (or vice president if the charge is against the president). Upon receipt, the secretary (or vice president) shall provide a copy of the charges to the accused either personally or by certified or registered mail to the last known

address of the accused, at least fourteen (14) calendar days before the hearing upon the charges.

**TRIAL PROCEDURE:** The president (or vice president if the charge is against the president) shall appoint two (2) members to serve on the hearing panel with the vice president (or president/secretary if the charge is against the vice president). The vice president (or president/secretary) shall convene a trial pursuant to the attached Internal Trial Board Procedures following receipt of the charges. The hearing panel shall be advised by the Local 1021 attorney and/or any staff as deemed necessary. The accused may appear in person and with witnesses to answer the charges and shall be afforded a full and fair hearing. The accused may select a member to represent the accused in the presentation of a defense. However, Local 1021 staff may not represent either party.

**JUDGMENT AND DISCIPLINE:** If the charges or any portion thereof are sustained, the hearing panel shall render judgment and impose appropriate penalty or disciplinary action.\* If the charges are not sustained, the charges shall be dismissed. The hearing panel may make an award of reimbursement of expenses incurred by the accused if charges are found to be filed in bad faith or to intentionally wrong a member. The decision of the hearing panel shall be reported to the Local 1021 executive board at its next regular meeting.

**APPEAL:** An appeal to the SEIU executive board may be made by either the accused or the member filing the charges from any decision of the Local 1021 trial body (see Article XVII, Section 6 of the SEIU constitution).

*\*Examples of penalty/discipline would be censure, suspension of membership (for a limited period of time, but no longer than six (6) months), loss of membership, removal from office, ineligibility to run for office for a specific period of time, etc.*

## **INTERNAL TRIAL BOARD PROCEDURES**

The hearing on the charges will be informal. Neither the charging party nor the accused may be represented by an attorney or Local 1021 staff; either may represent themselves or be represented by another member of the union in the presentation of their charges or their defense.

1. The charging party may present a brief opening statement outlining the specific charges. The accused may, at the conclusion of that opening statement, make a statement concerning the defense to the charges or may reserve that statement until the time of the presentation of the accused party's case.
2. The charging party shall proceed to call witnesses and present evidence first. Any witnesses who are called may be cross-examined concerning their testimony by the accused party. Likewise, at the conclusion of the charging party's case, the accused may present witnesses and evidence and the charging party will have an opportunity to cross-examine each such witness.

The formal rules of evidence that might apply in a court hearing will not apply in the trial board proceeding. Hearsay evidence may be received as well as any other evidence

relevant to the charges or defense. The hearing panel will determine, after consultation with its legal advisor (if it deems that necessary), whether to receive certain evidence into the record. Although hearsay evidence may be received, the parties should understand that the hearing panel may give less weight to hearsay testimony—particularly if it is on a crucial issue—than it would give to testimony from persons with direct knowledge of the facts in dispute.

The intention of the hearing panel is to give each of the parties a full and fair opportunity to present their charges and their defenses to those charges. However, the hearing panel may determine that certain evidence is irrelevant, or cumulative, or redundant of other evidence already in the record and may ask the parties for stipulations or other assistance in order to focus the hearing on the disputed, rather than the undisputed, facts.

In order to make the hearing as efficient as possible, each of the parties is encouraged to submit in advance the names of witnesses who might be called. Material to be introduced at the hearing must be submitted no later than one (1) week in advance of the scheduled hearing in order for the material to be exchanged between the parties. New material offered for the first time at the hearing itself or within two (2) weeks of the hearing date will be accepted only if the panel finds it could not have been produced at the time specified.

3. At the conclusion of the hearing, the hearing panel will go into executive session and review the evidence received and the charges. If the charges or any portion of them are sustained, the hearing panel will render a judgment and impose an appropriate penalty or discipline as the case and its findings may require.

4. The final judgment of the hearing panel will be communicated in writing to the charging party and to the accused as soon after the conclusion of the hearing as is practicable.

Any appeal from the final decision of the hearing panel must be taken through the procedures of the SEIU International Constitution and Bylaws, Article XVII, "Trials and Appeals," and specifically, Article XVII, Section 6.