



## **SEIU Local 1021 PROCEDURE FOR RESOLVING 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 Article 23 of the Bylaws of SEIU Local 1021. 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 officer, steward, or another member 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 are then required to go through good faith mediation with the field director and/or an assigned field representative, which will take place within forty-five (45) calendar days of the request, unless both parties agree to extend the timeline.
- (3) If the complainant can demonstrate that good faith efforts to follow Steps (1) and (2) have been made and there is no resolution, a member may request a hearing<sup>1</sup> on the matter by filing written charges with Local 1021.

### **CHARGING/HEARING PROCEDURES**

**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:

- 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.
- Violation of a specific provision of the Local 1021 Bylaws, or Article 17, Section 1, of the SEIU International Constitution and Bylaws.

**FILING:** Charges must be submitted in writing and must meet the criteria and requirements specified in Article 23 of the Local 1021 Bylaws and, if applicable, Article 17 of the SEIU International Constitution and Bylaws. 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 must include specific actions taken or statements

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<sup>1</sup> In this policy, the terms "hearing" and "trial" are used interchangeably and refer to the same process.

made by the accused and explain how those actions or statements are connected to the charge. Charges not meeting the above specified criteria and requirements may be dismissed without a hearing.

Charges are to be filed with the Secretary of the union with copies to the President (or Vice President of Representation if the charge is against the President). Upon receipt, the Secretary (or Vice President of Representation) shall provide a copy of the charges to the accused either personally or by certified or registered mail to the last known address, at least 10 days before the hearing of the charges.

**HEARING PANEL:** The President (or Vice President of Representation if the charge is against the President) shall appoint two (2) members to serve on the hearing panel with a Vice President. The appointed Vice President shall convene a trial pursuant to the procedures specified below. The hearing panel shall be advised by a Local 1021 attorney and/or any staff as deemed necessary. 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.

Upon receipt of the charges, the accused may file a motion to dismiss the charge. The panel has the power to decide this motion without holding a hearing, but is not required to do so. If charges are dismissed the panel will provide written rationale for dismissal to both parties as is practicable, and shall report this action to the Local 1021 Executive Board at its next regular meeting.

The hearing panel shall schedule a trial date in collaboration with all parties to the extent possible. The trial date starts important timelines. Notwithstanding the points below, the panel has the ultimate power to decide how the hearing will be conducted, including the parameters of opening statements, how many witnesses are allowed to testify, the order in which the witnesses are called to testify, attendance and conduct of observers, and all other hearing matters.

**DEADLINE FOR SUBMISSIONS:** In order to make the hearing as efficient as possible, at least two (2) weeks before the scheduled hearing, each of the parties must submit any material to be introduced at the hearing, the names of witnesses who might be called, what each witness would testify about, and how their testimony is related to the charges. Copies of the above shall be exchanged between the parties. At its sole discretion, the panel may dismiss the case if submissions are not received on time. Evidence that is intended to be offered at the hearing as rebuttal to evidence presented by the opposing party may be submitted later.

**PROCEDURES:** The hearing on the charges will be informal. The charging party and the accused may represent themselves or be represented by another member of the union in the presentation of their charges or their defense. Neither may be represented by an attorney or Local 1021 staff (although a member can be represented by another member who happens to be an attorney). If the accused is unable or unwilling to be present at the hearing, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the hearing regardless of the absence of the accused. Audio and/or video recording of the hearing is not permitted unless the panel decides to have the hearing recorded.

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 ample opportunity to present charges and defenses to those charges. However, the hearing panel may determine that certain evidence is irrelevant or redundant of other evidence already in the record and may ask the parties to agree to certain facts in order to focus the hearing on the disputed, rather than the undisputed, facts.

**THE TRIAL:** 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. Both the charging party and the accused should explain what each of their witnesses would testify about.

The charging party shall proceed to call witnesses and present evidence first. Any witnesses who are called may be cross-examined 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.

**JUDGMENT AND DISCIPLINE:** At the conclusion of the hearing, the hearing panel will go into executive session and review the evidence and 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. The decision of the hearing panel is final.

*\*Examples of penalty/discipline would be censure, suspension of membership (for a fixed period of time), loss of membership, removal from office, ineligibility to run for office for a specific period of time, etc.*

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, and shall be reported to the Local 1021 Executive Board at its next regular meeting.

**APPEAL:** 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, and filed in writing with the SEIU International Secretary-Treasurer, by registered or certified mail, within 15 days after the decision.