

## **Process for Member Against Member Charges – Final Approval 9/27/2014**

A process for handling member/member charges was approved by Executive Board at the June 28, 2014 Executive Board Meeting. After going through an actual hearing recently, revisions and clarifications were identified that will hopefully make the process run more smoothly.

At the time when committee members are selected to serve on the various committees of the Local at the beginning of an Executive Board term, the President shall appoint volunteers to a committee which will deal with any member against member disputes that arise during the term of the Executive Board. One of the two Trustees at Large will be appointed to chair all Trial Committees appointed during the term of the Executive Board. The remaining Trustee at Large will serve as the alternate Chair as needed. These committee members as well as other Local Trustees shall be trained regarding the process for handling charges. This should help to bring consistency in handling these disputes. Since these members of the Executive Board have been approved by the Executive Board to serve in the capacity of Trial Board members in any member against member dispute for the term of the Executive Board, the President or his/her designee shall have the power to appoint any of those committee members to serve on any Trial Board without further approval from the Executive Board. Care will be taken to prevent any conflict of interest.

All parties involved in a dispute that is union-related have the obligation to exhaust all formal and 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 activities should first attempt to resolve the problem by discussing it with the member. A chapter/or locally elected officer or steward may be present at the discussion at the request of either member. This meeting should happen as soon as possible after the incident because of the 6 month deadline to file charges.
2. If the parties cannot resolve the disagreement or the Respondent(s) refuse to meet, either party may request the assistance of a staff member and/or chapter/or locally elected officer in a mediation type setting. It is thought that the Local Trustees serve specifically to help in these matters, however, other Officers, and/or Senior Local Staff would be appropriate choices to serve in this capacity. If additional training is needed for this group of potential "mediators" the Local shall provide training. The parties will be required to agree to good faith mediation with a mutually acceptable staff member and/or chapter/local elected officer. This will be completed within 30 calendar days of the request unless there is good cause for extending the date further out.
3. If there is no resolution following the above steps, a member may file formal charges. Any "mediator", elected Officer or Trustee who tries to settle the complaint at a lower level shall recuse themselves from participating at the Trial Board level.
4. A charge is received at any SEIU Local 521 Office addressed to the Secretary of the Local. All parts of the charge must be filed in duplicate to comply with the SEIU International Bylaws Article XVII Section 2a (charges must be filed within 6 months of the incident).

5. The charge is date stamped, scanned and emailed to the Secretary of the Local, the President of the Local, the Chief Elected Officer, and the staff assigned to the Executive Board.
6. Within 15-business days of receipt of a complaint, unless there is good cause for extending that date further out, the affected parties will be sent a copy of the charges and the Union Policy to handle Member Against Member Complaints by the staff assigned to the Executive Board.
7. Within 15-business days of receipt of a complaint, unless there is good cause for extending that date further out, the Secretary of the Local shall ask the President (or his/her designee) to appoint an odd number, minimum of 3 maximum of 5, Trial Board Committee members in good standing to investigate the charges received.
8. The Chief Elected Officer shall appoint a senior staff person or appropriate individual to assist the appointed Trial Board in any way necessary.
9. The staff person assigned to the Executive Board shall be copied on any and all communications for purposes of logistics and tracking and filing documents associated in any way with charges received.
10. Within 30 business days of appointment, unless there is good cause for extending that date further out, the Trial Board shall convene to review the charges to determine whether they are specific enough.
11. If the charges are ruled to not be specific enough, they shall be returned to the complainant with such a determination and with instructions that they may refile charges with more specific information within the six month period described in the SEIU International Bylaws. The respondent(s) will be notified that the charges were returned to the complainant(s) as not being specific enough to proceed to hearing.
12. If the charges are ruled to be specific enough, a hearing date shall be set within 60 business days of such determination unless there is good cause for extending the hearing further out.
13. No more than two separate charges shall be heard on the same day.
14. The charges and hearing process shall be confidential and private. Supporters of either side of the dispute shall not be allowed in the building where any portion of the proceeding(s)/meeting(s) are taking place. Supporters may not harass/attempt to intimidate in any way, complainant(s), respondent(s), witnesses, mediator(s), Trial Board members, legal counsel or staff. The complainant(s) or respondent(s) are encouraged to control the behavior of any supporters.
15. The Trial Board will follow the rules enumerated in the SEIU International Bylaws regarding member against member charges during the investigation and decision process in compliance with Article XVII.
  - a. The charged member shall be notified of the charges.
  - b. The Trial Board shall set a hearing date and all affected members and others directly involve with the case whose testimony is desired by the Trial Board, complainant(s), or respondent(s) shall be notified.
  - c. The hearing shall be held.
    - i. Although the hearing is a relatively informal proceeding, all complainant(s), respondent(s), and witnesses shall be asked to state that they will speak the truth regarding everything presented to the Trial Board.

- ii. The complainant(s) will be asked to speak first and describe the nature of their complaint(s), what any witnesses will testify regarding, and what any further documentation will prove.
  - iii. The accused/respondent(s) will then be asked to respond to the complaint(s).
  - iv. Both parties may bring witnesses and/or supporting documentation to support their statements. The Trial Board may determine if they will hear any or all witnesses.
  - v. Both parties will have an opportunity to present rebuttal information.
  - vi. The Trial Board will be able to ask questions at each step of the hearing to clarify the facts around the complaint(s).
  - vii. The Trial Board may also solicit additional information from other union members or staff as part of their investigation of the charges.
  - viii. The accused/respondent(s) "may select a member of his or her Local Union . . . . to represent the accused/respondent(s) in the presentation of a defense." The SEIU Local 521 Bylaws do not grant permission for the use of attorneys in such hearings.
16. Within 15 business days after the hearing, unless there is good cause for extending that date further out, the decision shall be rendered and affected parties notified in writing.
17. If the charges are not upheld by the Trial Board, the Executive Board shall be notified at their next scheduled meeting that the charges were not upheld and have been dismissed.
18. If the charges are upheld by the Trial Board, the applicable charge(s) and decision(s) along with any sanctions(s) shall be reported to the Executive Board at the next Executive Board meeting.
- a. The decision document shall be in writing and signed by the Trial Board members. Staff assigned to the Executive Board shall file the original decision document with other documents related to the charge(s) in the Local's official records.
  - b. Staff assigned to the Executive Board shall email the decision to the Local Officers, staff assigned to the Trial Board, and the Trial Board members.
  - c. The Officers shall review the decision(s) and/or sanction(s), determined by the Trial Board.
  - d. The Claimant(s) and the Respondent(s) shall be notified of the decision(s) and sanction(s).
  - e. The Executive Board shall be notified at their next Executive Board meeting, as noted in #17 or #18 above.
19. If either the Complainant(s) or Respondent(s) do not agree with the decision of the Trial Board they may appeal to the International Executive Board within 15 days of issuance of the written decision by the Trial Committee. If they do not agree with the International Executive Board decision they may appeal to the International Convention. International Constitution and Bylaws Article XVII Section 6.