



PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO
An Organization of Professional, Technical, and Administrative Employees

April 28, 2016

RE: Misconduct Charges Hearing Procedure

In order to ensure that a fair, unbiased, and equitable dispute resolution procedure is in place, the following procedures will apply to any Local 21 jurisdiction in which formal charges are filed against a Local 21 Officer or member by any other Local 21 Officer or member in good standing.

Section 1. The following and no other shall constitute the basis for the filing of charges:

- A. Violation of any provision of the IFPTE Constitution, the IFPTE Local 21 Bylaws, or the bylaws of any chapter in which IFPTE Local 21 is the exclusive representative.
- B. Misappropriation, embezzlement, or improper or illegal use of union funds.
- C. Acting in collusion with management to the detriment of the welfare of the union or its membership.
- D. Any activity which assists or is intended to assist a competing organization within the jurisdiction of the union.
- E. Acting against or undermining the democratic principles of IFPTE Local in representational, political, or economic areas of interest.

Section 2. The following procedure shall apply to all formal charges brought in accordance with Section 1:

- A. The Local 21 Officer or member in good standing must file a formal charge with either the local chapter council, the regional council, the IFPTE Local 21 Executive Committee, or the IFPTE international offices. This should be in writing, with dates, times, and other factual assertions.
- B. The charges must be based on allegations of misconduct conforming to Section 1 of this policy.
- C. The charges will be noticed to the IFPTE Local 21 Executive Committee at the next regularly scheduled meeting. The Executive Committee shall hold exclusive authority to advance the charges to a hearing or to dismiss the charges with prejudice, within the Local 21 process.

Section 3. Hearing Procedures:

- A. An impartial hearing officer will be selected by the Executive Committee of IFPTE Local 21.
- B. The hearing will be scheduled at a date and time when both the accuser and the accused can participate.

- C. The hearing will be open to all members in good standing.
- D. The accuser and the accused will be allowed to make an opening statement.
- E. The accuser and the accused will be allowed to call witness, but will be limited to five per side.
- F. The accuser and the accused will be given an opportunity to examine and cross examine the witnesses.
- G. The accuser and the accused will be given an opportunity to submit documents to the hearing officer to be considered when considering the merits of the accusations and defenses.
- H. The accuser and the accused will be given the opportunity to make a closing statement.
- I. The hearing officer will be given the opportunity to make decisions regarding procedural questions or issues, or any other issues that may arise, during the hearing with the intent of ensuring a fair, unbiased, and equitable procedure is maintained.
- J. The hearing officer will be given the opportunity question the accuser, the accused, and any witnesses called by either party.
- K. The hearing officer will render a written decision within 20 working days of the hearing. The decision should clearly state whether the allegations are substantiated, and should include recommended penalties.

Section 4. The hearing officer may, if they find the accused guilty, recommend any one or more of the following penalties:

- A. A formal reprimand, accompanied by a formal warning against any repetition of the act or acts.
- B. Removal of office in the union at the level at which the charges originate.
- C. Suspension from the right to hold any elected or appointed positions at any level of the union for a period not to exceed five years.
- D. Expulsion from membership.

Section 5. The Executive Committee will be the decision making body regarding such charges at the local level. The Executive Committee will, in a timely manner, consider the Hearing Officers proposed decision and penalties, if any, and shall accept or reject the proposed finding and penalties, if any.

Section 6. Any final decision by the Executive Committee may be appealed to the International Union per the Constitutional procedures.