

### **Resolution No. 3**

#### **COMMITTEE ASSIGNMENT: Constitution & By-Laws**

#### **Re: Amending Trial Board Procedures**

1           WHEREAS, Article XVII of the IAFF  
2           Constitution and By-Laws establishes the procedures  
3           governing the trial of members charged with  
4           misconduct; and

5           WHEREAS, the Executive Board seeks to  
6           streamline the selection of trial board members,  
7           standardize the deadlines for certain trial board  
8           actions, and ensure that the relevant stakeholders  
9           receive adequate notice of trials and copies of trial  
10          board decisions; therefore be it

11          RESOLVED, That Article XVII, Section 1(A) of  
12          the IAFF Constitution and By-Laws be replaced with  
13          the following text:

14          “Whenever charges are preferred against an  
15          officer or member of a local union or an  
16          officer or member of a state or provincial  
17          association or joint council (collectively,  
18          “subordinate unions”), the charged party will  
19          be tried within one hundred twenty (120) days.  
20          If the charged party requests a review board  
21          pursuant to Article XVI, Section 5, then the  
22          120-day period will run from the date of the  
23          decision by the review board.

24  
25          The District Vice President of the District in  
26          which the charges arose will be the appointing  
27          officer of the trial board. If the District Vice  
28          President is involved in the case in some  
29          manner, the General President will appoint

30 another District Vice President as the  
31 appointing officer.

32  
33 The trial board will be selected in the  
34 following manner: The appointing officer will  
35 obtain from the General Secretary-Treasurer's  
36 Office a randomly generated list of seven (7)  
37 members in good standing of the subordinate  
38 union in which the charges arose, and submit  
39 the list to the charging party. The charging  
40 party will have seven (7) days from receipt of  
41 the list to strike two (2) names; the appointing  
42 officer will then submit the remaining five (5)  
43 names to the charged party. The charged party  
44 then will have seven (7) days from receipt of  
45 the list to strike two (2) names. The remaining  
46 three (3) names will constitute the trial board.  
47 If either party fails to act within the required  
48 time, the appointing officer will act in its place  
49 by striking the names by lot.

50  
51 If the appointing officer determines that the  
52 officers or members of the subordinate union  
53 are either directly or indirectly involved as  
54 parties, witnesses, or otherwise, to such an  
55 extent that it would be inappropriate to draw  
56 the trial board from the members in good  
57 standing of the subordinate union, or in the  
58 event that the required number of members of  
59 the subordinate union refuse to serve as  
60 members of the trial board, the appointing  
61 officer will inform the parties, and then obtain  
62 from the General Secretary-Treasurer's Office

63 a randomly generated list of seven (7)  
64 members in good standing of a neighboring  
65 subordinate union or unions within the  
66 District. Once that list is obtained, the  
67 appointing officer will proceed with the  
68 selection process as describe above. The  
69 decision of a trial board composed of members  
70 of a neighboring subordinate union or unions  
71 will be deemed to be the decision of the  
72 subordinate union in which the charges arose,  
73 the reasonable costs of which shall be borne by  
74 such subordinate union. The decision of the  
75 trial board will be reported to the subordinate  
76 union in which the charges arose.

77  
78 When there is more than one charging or  
79 charged party, an effort will be made to obtain  
80 agreement among such group to strike two (2)  
81 names. In the absence of agreement among  
82 such groups of charging or charged parties  
83 within the required time, the appointing officer  
84 will strike two (2) names by lot.

85  
86 If an International officer or officers prefers  
87 charges against an officer or member of a  
88 subordinate union, members of the Executive  
89 Board of the Association, who will be  
90 designated as provided in Section 2 of this  
91 Article, will conduct the trial.”;

92 and be it further

93 RESOLVED, That Article XVII, Section 6,  
94 paragraph 1, sentence 1 of the IAFF Constitution and  
95 By-Laws be replaced with the following text:

96 “Except as otherwise provided herein, trial  
97 boards may issue their own set of rules  
98 for conducting the trial, formulated in  
99 consultation with the parties, and distributed to  
100 the parties in writing at least fourteen (14) days  
101 before the trial.”;

102 and be it further

103 RESOLVED, That Article XVII, Section 6,  
104 paragraph 3 of the IAFF Constitution and By-Laws  
105 be replaced with the following text:

106 “Unless otherwise agreed by the charged party,  
107 the trial will be held in the city or town in  
108 which the charged party is employed, or in an  
109 adjacent city or town if the trial board  
110 chairperson determines that it would be more  
111 appropriate for the proper functioning of the  
112 trial. The trial will be held within one hundred  
113 twenty (120) days after the charged party  
114 receives the charges, and after at least fourteen  
115 (14) days’ notice to the parties of the  
116 composition of the trial board, and the date and  
117 place of the trial. If the charged party requests  
118 a review board pursuant to Article XVI,  
119 Section 5, then the 120-day period will run  
120 from the date of the decision of the review  
121 board. If a trial board fails for any reason to  
122 convene within 120 days, a new trial board  
123 will be formed, and the trial will be held as  
124 soon as possible thereafter, but in no event  
125 later than 90 days from the selection of the  
126 new trial board.”;

127 and be it further

128 RESOLVED, That Article XVII, Section 8(A) of

129 the IAFF Constitution and By-Laws, subtitled “Local  
130 Unions,” be amended by substituting “president” for  
131 “secretary” in the first sentence, and striking out the  
132 third sentence; and be it further

133 RESOLVED, That Article XVII, Section 8(B) of  
134 the IAFF Constitution and By-Laws, subtitled “State  
135 and Provincial Associations and Joint Councils,” be  
136 amended by striking out the second sentence; and be  
137 it further

138 RESOLVED, That Article XVII, Section 10 of the  
139 IAFF Constitution and By-Laws be replaced with the  
140 following text:

141 “The trial board will send copies of its  
142 decision to all parties, the president of the  
143 subordinate union in which the charges arose,  
144 the District Vice President, and the General  
145 President, by certified mail with return receipt  
146 where available, and if not available, then by  
147 registered mail.”

Submitted by: IAFF Executive Board

Cost Estimate: None

**COMMITTEE RECOMMENDATION: Adopt**

**CONVENTION ACTION: Adopted**