



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Matt Cronin
23 Pearl Street
Hudson Falls, NY 12839

Dear Mr. Cronin:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. Appearing on behalf of tufco at the ballot pre-sort session conducted by the Public Employment Relations Board on or about February 21, 1985.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. F. Roth
Box 135
Cragmoor, NY 12420

Dear Mr. Roth:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. Appearing on behalf of tufco at the ballot count conducted by the Public Employment Relations Board on or about February 22, 1985.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Ronald Butler
Pitcher Road
Glens Falls, NY 12801

Dear Mr. Butler:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. Appearing on behalf of tufco before the Public Employment Relations Board at the ballot count conducted February 22, 1985.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

July 30, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Paul Costello
RD#1
Hannacroix, NY 12087

Dear Mr. Costello:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. On behalf of tufco campaigning to and soliciting employees of the State of New York in the Security Services Bargaining Unit for their signatures on authorization cards for use by tufco in petitioning the Public Employment Relations Board for a representation election seeking to displace Council 82 as the representative of the employees in the Security Services Unit and/or

Mr. Paul Costello

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soliciting said employees to support and vote for tufco in said representation election. Said campaigning and/or solicitation took place at the following times and places: at and in the vicinity of Cossackie Correctional Facility during the month of August, 1984; at and in the vicinity of Cossackie Correctional Facility and the Knights of Columbus Hall at Cossackie, New York on or about September 20 and 25, 1984.

2. Appearing on behalf of tufco at the ballot count conducted by the Public Employment Relations Board on or about February 22, 1985.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL

RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Melvin Marrero
1820 East 105th Street
New York, NY 10029

Dear Mr. Marrero:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. Appearing on behalf of tufco at the ballot count conducted by the Public Employment Relations Board on or about February 22, 1985.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Clinton Loren
759 Cooper Street
Watertown, NY 13601

Dear Mr. Loren:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. On behalf of tufco campaigning to and soliciting employees of the State of New York in the Security Services Bargaining Unit for their signatures on authorization cards for use by tufco in petitioning the Public Employment Relations Board for a representation election seeking to displace Council 82 as the representative of the employees in the Security Services Unit and/or

Mr. Clinton Loren
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August 1, 1985

soliciting said employees to support and vote for tufco in said representation election. Said campaigning and/or solicitation took place at the following times and places: at and in the vicinity of Watertown Correctional Facility on or about March 10, 1984 and again during the month of March and/or April, 1984.

JOSEPH PUMA - President



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL

RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Thomas Humiston
209 Washington Street
Brownsville, NY 11212

Dear Mr. Humiston:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. On behalf of tufco campaigning to and soliciting employees of the State of New York in the Security Services Bargaining Unit for their signatures on authorization cards for use by tufco in petitioning the Public Employment Relations Board for a representation election seeking to displace Council 82 as the representative of the employees in the Security Services Unit and/or

Mr. Thomas Humiston

Page 2

August 1, 1985

soliciting said employees to support and vote for tufco in said representation election. Said campaigning and/or solicitation took place at the following times and places: at and in the vicinity of Watertown Correctional Facility on or about March 10, 1984; at and in the vicinity of Watertown Correctional Facility and Sam's Cafe during or about the months of March and April, 1984.

JOSEPH PUMA - President

INTERNATIONAL CONSTITUTION

***American Federation of State,
County and Municipal Employees, AFL-CIO***

*As amended at the 26th
International Convention
San Francisco, California
June 18-22, 1984*



ART. IX

by the International Executive Board at the request of the subordinate body.

Power to bind subordinate bodies

Section 43. The constitution of every subordinate body of the Federation shall contain a provision stating the following:

"Except to the extent specified in this constitution, no officer of the local union [or council or Retired Employee Chapter or sub-chapter] shall have the power to act as agent for or otherwise bind the local union [or council or Retired Employee Chapter or sub-chapter] in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union [or council or Retired Employee Chapter or sub-chapter] except to the extent specifically authorized in writing by the president of the local union [or council or Retired Employee Chapter or sub-chapter], or by the executive board of the local union [or council or Retired Employee Chapter or sub-chapter]."

Elections of officers and delegates

Section 44. All elections of officers and delegates in subordinate bodies shall be subject to the provisions of Appendix D of this Constitution.

Obligation of officers

Section 45. Each elected officer of each subordinate body shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of this constitution.

International Constitution as contract

Section 46. This Constitution shall constitute a contract between the American Federation of State, County and Municipal Employees and each of its subordinate bodies individually. All subordinate bodies shall at all times be subject to the provisions of the International Constitution.

ART. X

ARTICLE X

Judicial Procedure

Section 1. Except as hereafter provided in this Article, any member of the Federation may file charges against any individual for actions taken while a member of the Federation or while a staff employee of the Federation or a subordinate body. **Filing of charges**

Section 2. The following and no other shall constitute the basis for the filing of charges: **Basis for filing of charges**

A. Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject.

B. Misappropriation, embezzlement, or improper or illegal use of union funds.

C. Any action by any officer or employee of any Council which results in the expenditure by said Council of money which is the property of any other subordinate body or of the International Union without proper written authorization from the body which is the owner of such funds.

D. Acting in collusion with management to the detriment of the welfare of the union or its membership.

E. Any activity which assists or is intended to assist a competing organization within the jurisdiction of this union.

F. Refusal or deliberate failure to carry out legally authorized decisions of the International Convention, the International President, the International Executive Board, the Judicial Panel, or of the convention or executive board of a subordinate body of which the accused is a part.

ART. X

G. Willful violation of a legally negotiated and approved collective bargaining agreement.

H. Instituting or urging others to institute action outside the union against the Federation, a subordinate body, or any officer of the Federation or of a subordinate body without first exhausting all internal remedies within the Federation, provided that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies.

I. Using the name of the Federation or of a subordinate body in an unauthorized manner or for an unauthorized purpose.

J. Obtaining membership through fraud or misrepresentation.

K. Deliberately interfering with any official of the Federation or of a subordinate body in the discharge of such official's lawful duties.

L. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the union, or from any person or firm which has or is seeking to establish a business relationship with the Federation or any subordinate body.

M. Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

N. Knowingly submitting a false per capita tax or other financial or audit report to the International Union or any subordinate body or knowingly and intentionally making any false financial report or statement to any lawfully constituted body at any level of the union.

ART. X

Section 3. Charges against an individual for actions taken in such individual's capacity as a member, a local union officer, or a local union staff employee shall be filed with and heard by the local union trial body in the local of which the accused was a member at the time of the alleged actions, with the exceptions provided below. Charges against an individual for actions taken in such individual's capacity as a council officer, a council delegate or a council staff employee shall be filed with and heard by the council trial body in which the accused was an officer, delegate or staff employee at the time of the alleged actions, with the exceptions provided below. Charges against an International Officer or International staff employee shall be filed with and heard by the Judicial Panel, as hereinafter provided. Charges against an officer or staff employee of a subordinate body, who, at the time such charges are filed, is under suspension by the International President under the provisions of Article V, Section 13, of this Constitution, and charges against a member who has been removed as an officer or staff employee during an administratorship of said subordinate body, which administratorship is in effect at the time such charges are filed, shall be filed with and heard by the Judicial Panel in the same manner as appeals to the Judicial Panel.

Filing charges with trial bodies

Section 4. Any charges filed against the International President, the International Secretary-Treasurer, or the Chairperson of the Judicial Panel must be filed by vote of the membership of ten local unions, or a council representing at least ten local unions, or by any member of the International Executive Board.

Charges against International officers

Section 5. Any charge filed against an Interna-

Charges

ART. X

against International Vice President

tional Vice President in the capacity of an International Vice President must be filed by vote of the membership of five local unions in the Legislative District which the International Vice President represents or of one-third of the total number of locals in said District when such District includes fewer than fifteen local unions or by a council made up of at least five local unions in said District, or by any member of the International Executive Board.

Procedure for filing charges

Section 6. Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and, where a violation of a constitutional provision is alleged, the specific section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The charges shall be filed with the secretary of the trial body or, if the secretary of such trial body is a directly interested party, with the presiding officer of the trial body.

Trial body at local union level

Section 7. The trial body at the local union level shall consist of the local executive board, unless the local constitution provides otherwise. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.

Trial body at council level

Section 8. The trial body at the council level shall consist of the council executive board, unless the council constitution provides otherwise, subject to the qualifications herein provided. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead. Any council trial body of any council having jurisdiction over a

ART. X

state-wide area may, by majority vote of the council trial body, appoint a subcommittee to conduct the trial. In such cases, however, the subcommittee shall report in writing to the full membership of the trial body who shall then make the decision and assess the penalty, if any.

Section 9. Charges originating at the Judicial Panel level or charges reaching the Judicial Panel as a result of the exercise of the appeal rights set forth in this Article shall be filed with the Chairperson of the Judicial Panel, unless a member of the Judicial Panel is either the person bringing the charge or the accused person, in which case they shall be filed with the International President.

Filing charges and appeals with Judicial Panel

Section 10. Within fifteen days following the receipt of the charges, the person with whom the charges have been filed shall send by registered mail, return receipt requested, an exact and full copy of the charge to the accused party, together with a copy of Article X of this Constitution and an explanation of the trial procedure to be followed.

Copy of charges to accused party

Section 11. The trial body shall fix the date, time, and place for the trial, in such manner as to afford the maximum convenience to both the accused and the accuser practical under all the circumstances. Except as otherwise specifically provided in this Constitution, it shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested party to the proceedings. If such request is made, the party making it shall be responsible for the cost of such record and of three copies of the transcript, one of which shall be furnished to the trial body and one to the opposing party. The reporter shall attach an affidavit to each copy of the transcript

Trial arrangements and procedure

ART. X

stating that it is a true and accurate record of the evidence taken at the trial.

**Rights of
accused
person**

Section 12. The accused person shall be guaranteed the following rights:

A. The right to be served personally with, or to have forwarded by registered mail to the accused person's current address of record with the local union, return receipt requested, a full copy of the charges within fifteen days after they are filed and to receive a copy at least thirty days before the trial date.

B. The right to file a written answer to the charge.

C. The right to be tried within sixty days after having been personally served, or sixty-three calendar days after having been forwarded, a copy of the charge(s) as provided in Subsection A of Section 12 of this Article.

D. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

E. The right to confront the accuser.

F. The right to cross-examine the accuser and any witnesses.

G. The right to present witnesses in the accused person's behalf.

H. The right to compel the production of union records pertinent to the case.

I. The right to choose a person to act as the accused person's counsel in the case.

J. The right to be presumed innocent unless proven guilty.

K. The right to refuse to testify; provided, however, that this right shall not include the right to refuse to produce at the trial any papers, books, or financial or other records which are the property of the union and which are pertinent to the case.

ART. X

L. The right to appeal, in the manner hereafter provided.

M. The right to choose either an open or closed hearing.

Section 13. The person bringing the charge shall be guaranteed the following rights:

**Rights of
accuser**

A. The right to receive a copy of any written answer to the charge which may be filed by the accused at the time such answer is filed.

B. The right to have the initial trial body convened no later than seventy-eight calendar days after the charge(s) have been filed.

C. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

D. The right to give personal testimony.

E. The right to present the testimony of others and to cross-examine witnesses presented by the accused.

F. The right to compel the production of union records pertinent to the case.

G. The right to choose a person to act as the charging party's counsel in the case.

H. The right to appeal, in the manner hereafter provided.

Section 14. The person bringing the charge shall be under the following obligations:

**Obliga-
tions of
accuser**

A. To file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.

B. To appear in person at the trial.

C. To assume the burden of proof.

Section 15. A trial body may, if it finds the

Penalties

ART. X

**against
guilty
party**

accused person guilty, assess 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 of which the accused is found guilty.

B. A fine in an amount not to exceed one year's dues, to be paid to the union at the level at which the charges originate.

C. Full or partial restitution, where the consequences of the offense can be measured in material terms.

D. Removal from office in the union at the level at which the charges originate.

E. Suspension from the right to hold any election position at the level at which the charges originate for a period not to exceed four years.

F. Suspension from the right to hold or seek any elected position at any level of the union for a period not to exceed four years.

G. Suspension from membership for a specified period of time, not to exceed two years.

H. Expulsion from membership.

I. Suspension from employment by the Federation or its subordinate bodies.

J. Removal from employment by the Federation or its subordinate bodies.

Any individual who has been suspended, expelled or removed as provided in paragraphs E, F, G, H, I, or J, above, may not, during the period of such penalty, be employed in any capacity by the International Union or any subordinate body.

**Penalties
against
accuser
if charges**

Section 16. If the charges are not sustained, and the trial body or the appellate body is convinced that the charges were not brought in good faith or were actuated by malice, the trial body or the

ART. X

appellate body may impose such penalty on the charging party as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, beginning at the level immediately above the trial or appellate level at which the penalty was imposed, and no such penalty shall take effect while an appeal of such penalty is pending.

**not
sustained**

Section 17. The decision of a local union trial body may be appealed by either party to the council trial body, if the local is affiliated with a council. In any case where a local union is not affiliated with a council, the decision of the local union trial body may be appealed to the Judicial Panel. Decisions of a council trial body, whether sitting as an original trial body or as an appellate trial body, may be appealed to the Judicial Panel.

**Appeal
from
decision**

Section 18. All decisions must be rendered by the trial body within thirty days following completion of the trial, except by mutual consent of the accuser and the accused. Such decision shall be in writing and shall be transmitted by registered mail, return receipt requested, to the person bringing the charge and to the accused simultaneously.

**Time
limits
and form
of
decisions**

Section 19. Either party may, within thirty days following receipt of the decision, file an appeal to the next higher trial body in the same manner as is provided for the filing of original charges with such trial body. The appeal shall be in writing, and shall be accompanied by a copy of the original charge and of the decision which is being appealed. The appeal shall set forth in substance the appellant's

**Time
limits
and form
of appeals**

ART. X

reasons for believing the trial body was in error and the nature of the error.

Appeal to council trial body

Section 20. Where the appeal is to a council trial body, the council trial body shall proceed, in the manner described for body, the council trial body shall proceed, in the manner described for the hearing of original charges, to hear such appeal; provided, however, that the council trial body may, in its discretion, hear the appeal on the record established at the local union level or as a new case.

Failure of trial body to act within time limits

Section 21. In any case where a local union trial body or a council trial body fails or refuses to carry out its responsibilities under this Article or, except by mutual consent, expressed in writing, of the accuser and the accused, to adhere to the time limits set forth in this Article, either party shall have the right to appeal to the next higher trial body; provided, however, that under unusual circumstances, which shall be clearly set forth and made a part of the trial record, a trial body may, by majority vote of all its members, extend the time limits for the holding of a trial not to exceed thirty days.

Effective date of decisions

Section 22. Decisions of trial bodies at all levels shall be in full force and effect from the date of the decision until and unless reversed or modified by an appellate body at a higher level; provided, however, that except in matters subject to Section 16 of this Article, any appellate body, upon receiving a notice of appeal, may order a delay in the carrying out of any penalty which has been assessed, pending its hearing and disposition of the appeal.

ART. XI

ARTICLE XI

The Judicial Panel

Section 1. As soon as practicable following the adoption of this language by the 1972 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint a member of the Federation to serve as Chairperson of the Judicial Panel and eight other members of the Federation to serve as members of the Judicial Panel. Except as provided below, the terms of persons appointed to the Judicial Panel after the 1980 biennial convention shall be for three years. The terms of those members appointed in 1977 shall expire in 1980, and the terms of those members appointed in 1978 shall expire in 1981. Of those persons appointed to the Judicial Panel in 1980, three shall serve terms expiring in 1982 and three shall serve terms expiring in 1983. At any general meeting of the International Executive Board during the year in which a Panel Member's term is scheduled to expire, the International President shall, with the advice and consent of the International Executive Board, reappoint such member or appoint a successor. No two members of the Judicial Panel shall be members of local unions in the same Legislative District, as established in Article IV, Section 26, of this Constitution. At least three members of the Judicial Panel shall be from Legislative Districts located east of the Mississippi River and at least three members of the Judicial Panel shall be from Legislative Districts located west of the Mississippi River. No member of the International Executive Board and, except as provided

Appointment of members

Terms of office

Membership



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

August 1, 1985

REGISTERED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF CHARGES

Mr. Matt Cronin
23 Pearl Street
Hudson Falls, NY 12839

Dear Mr. Cronin:

Pursuant to Article X of the Constitution of the American Federation of State, County and Municipal Employees AFL-CIO, a copy of which is enclosed, you are hereby charged with engaging in activity which assisted or was intended to assist the union of federated correction officers, a competing organization, within the jurisdiction of New York State Inspection Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO, in violation of Article X §2(E) of the International Constitution by engaging in the acts set forth in the specifications portion of this notice.

If you are found guilty, the penalty requested will be your expulsion from the Union pursuant to Article X §15(H) or, in the alternative, suspension of your membership for a period of two years pursuant to Article X §15(G) and suspension of your right to hold or seek any elected position at any level of the Union for four years pursuant to Article X §15(F). No penalty sought will affect the terms and conditions of your public employment.

Council 82 is requesting that the International Judicial Panel assume original trial jurisdiction of this matter under Article X §9 of the International Constitution. This is being done to give both you and the members who brought the charges a fair and impartial review as the entire Council 82 membership and Executive Board are interested parties.

Specifications

You assisted or intended to assist the Union of Federated Correction Officers in that organization's attempt to decertify this Union as the representative of the employees in the New York State Security Services Unit by:

1. Appearing on behalf of tufco at the ballot pre-sort session conducted by the Public Employment Relations Board on or about February 21, 1985.

JOSEPH PUMA - President

INTERNATIONAL CONSTITUTION

***American Federation of State,
County and Municipal Employees, AFL-CIO***

*As amended at the 26th
International Convention
San Francisco, California
June 18-22, 1984*



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by the International Executive Board at the request of the subordinate body.

Power to bind subordinate bodies

Section 43. The constitution of every subordinate body of the Federation shall contain a provision stating the following:

"Except to the extent specified in this constitution, no officer of the local union [or council or Retired Employee Chapter or sub-chapter] shall have the power to act as agent for or otherwise bind the local union [or council or Retired Employee Chapter or sub-chapter] in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union [or council or Retired Employee Chapter or sub-chapter] except to the extent specifically authorized in writing by the president of the local union [or council or Retired Employee Chapter or sub-chapter], or by the executive board of the local union [or council or Retired Employee Chapter or sub-chapter]."

Elections of officers and delegates

Section 44. All elections of officers and delegates in subordinate bodies shall be subject to the provisions of Appendix D of this Constitution.

Obligation of officers

Section 45. Each elected officer of each subordinate body shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of this constitution.

International Constitution as contract

Section 46. This Constitution shall constitute a contract between the American Federation of State, County and Municipal Employees and each of its subordinate bodies individually. All subordinate bodies shall at all times be subject to the provisions of the International Constitution.

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ARTICLE X

Judicial Procedure

Section 1. Except as hereafter provided in this Article, any member of the Federation may file charges against any individual for actions taken while a member of the Federation or while a staff employee of the Federation or a subordinate body.

Filing of charges

Section 2. The following and no other shall constitute the basis for the filing of charges:

Basis for filing of charges

A. Violation of any provision of this Constitution or of any officially adopted and approved constitution of a subordinate body to which the member being accused is subject.

B. Misappropriation, embezzlement, or improper or illegal use of union funds.

C. Any action by any officer or employee of any Council which results in the expenditure by said Council of money which is the property of any other subordinate body or of the International Union without proper written authorization from the body which is the owner of such funds.

D. Acting in collusion with management to the detriment of the welfare of the union or its membership.

E. Any activity which assists or is intended to assist a competing organization within the jurisdiction of this union.

F. Refusal or deliberate failure to carry out legally authorized decisions of the International Convention, the International President, the International Executive Board, the Judicial Panel, or of the convention or executive board of a subordinate body of which the accused is a part.

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G. Willful violation of a legally negotiated and approved collective bargaining agreement.

H. Instituting or urging others to institute action outside the union against the Federation, a subordinate body, or any officer of the Federation or of a subordinate body without first exhausting all internal remedies within the Federation, provided that the foregoing shall not apply where the action was instituted in order to prevent the loss of rights under an applicable statute of limitations and the member has diligently pursued available internal remedies.

I. Using the name of the Federation or of a subordinate body in an unauthorized manner or for an unauthorized purpose.

J. Obtaining membership through fraud or misrepresentation.

K. Deliberately interfering with any official of the Federation or of a subordinate body in the discharge of such official's lawful duties.

L. The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the union, or from any person or firm which has or is seeking to establish a business relationship with the Federation or any subordinate body.

M. Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

N. Knowingly submitting a false per capita tax or other financial or audit report to the International Union or any subordinate body or knowingly and intentionally making any false financial report or statement to any lawfully constituted body at any level of the union.

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Section 3. Charges against an individual for actions taken in such individual's capacity as a member, a local union officer, or a local union staff employee shall be filed with and heard by the local union trial body in the local of which the accused was a member at the time of the alleged actions, with the exceptions provided below. Charges against an individual for actions taken in such individual's capacity as a council officer, a council delegate or a council staff employee shall be filed with and heard by the council trial body in which the accused was an officer, delegate or staff employee at the time of the alleged actions, with the exceptions provided below. Charges against an International Officer or International staff employee shall be filed with and heard by the Judicial Panel, as hereinafter provided. Charges against an officer or staff employee of a subordinate body, who, at the time such charges are filed, is under suspension by the International President under the provisions of Article V, Section 13, of this Constitution, and charges against a member who has been removed as an officer or staff employee during an administratorship of said subordinate body, which administratorship is in effect at the time such charges are filed, shall be filed with and heard by the Judicial Panel in the same manner as appeals to the Judicial Panel.

Filing charges with trial bodies

Section 4. Any charges filed against the International President, the International Secretary-Treasurer, or the Chairperson of the Judicial Panel must be filed by vote of the membership of ten local unions, or a council representing at least ten local unions, or by any member of the International Executive Board.

Charges against International officers

Section 5. Any charge filed against an Interna-

Charges

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**against
Inter-
national
Vice
President**

tional Vice President in the capacity of an International Vice President must be filed by vote of the membership of five local unions in the Legislative District which the International Vice President represents or of one-third of the total number of locals in said District when such District includes fewer than fifteen local unions or by a council made up of at least five local unions in said District, or by any member of the International Executive Board.

**Procedure
for filing
charges**

Section 6. Charges shall be in writing and shall be signed by the member or members bringing the charges. The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and, where a violation of a constitutional provision is alleged, the specific section shall be cited, along with the specific act or failure to act which constitutes the alleged violation. The charges shall be filed with the secretary of the trial body or, if the secretary of such trial body is a directly interested party, with the presiding officer of the trial body.

**Trial body
at local
union level**

Section 7. The trial body at the local union level shall consist of the local executive board, unless the local constitution provides otherwise. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.

**Trial body
at council
level**

Section 8. The trial body at the council level shall consist of the council executive board, unless the council constitution provides otherwise, subject to the qualifications herein provided. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead. Any council trial body of any council having jurisdiction over a

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state-wide area may, by majority vote of the council trial body, appoint a subcommittee to conduct the trial. In such cases, however, the subcommittee shall report in writing to the full membership of the trial body who shall then make the decision and assess the penalty, if any.

Section 9. Charges originating at the Judicial Panel level or charges reaching the Judicial Panel as a result of the exercise of the appeal rights set forth in this Article shall be filed with the Chairperson of the Judicial Panel, unless a member of the Judicial Panel is either the person bringing the charge or the accused person, in which case they shall be filed with the International President.

**Filing
charges
and ap-
peals with
Judicial
Panel**

Section 10. Within fifteen days following the receipt of the charges, the person with whom the charges have been filed shall send by registered mail, return receipt requested, an exact and full copy of the charge to the accused party, together with a copy of Article X of this Constitution and an explanation of the trial procedure to be followed.

**Copy of
charges to
accused
party**

Section 11. The trial body shall fix the date, time, and place for the trial, in such manner as to afford the maximum convenience to both the accused and the accuser practical under all the circumstances. Except as otherwise specifically provided in this Constitution, it shall not be necessary to maintain a verbatim record of the trial unless request for such record is made by a directly interested party to the proceedings. If such request is made, the party making it shall be responsible for the cost of such record and of three copies of the transcript, one of which shall be furnished to the trial body and one to the opposing party. The reporter shall attach an affidavit to each copy of the transcript

**Trial
arrange-
ments and
procedure**

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stating that it is a true and accurate record of the evidence taken at the trial.

**Rights of
accused
person**

Section 12. The accused person shall be guaranteed the following rights:

A. The right to be served personally with, or to have forwarded by registered mail to the accused person's current address of record with the local union, return receipt requested, a full copy of the charges within fifteen days after they are filed and to receive a copy at least thirty days before the trial date.

B. The right to file a written answer to the charge.

C. The right to be tried within sixty days after having been personally served, or sixty-three calendar days after having been forwarded, a copy of the charge(s) as provided in Subsection A of Section 12 of this Article.

D. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

E. The right to confront the accuser.

F. The right to cross-examine the accuser and any witnesses.

G. The right to present witnesses in the accused person's behalf.

H. The right to compel the production of union records pertinent to the case.

I. The right to choose a person to act as the accused person's counsel in the case.

J. The right to be presumed innocent unless proven guilty.

K. The right to refuse to testify; provided, however, that this right shall not include the right to refuse to produce at the trial any papers, books, or financial or other records which are the property of the union and which are pertinent to the case.

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L. The right to appeal, in the manner hereafter provided.

M. The right to choose either an open or closed hearing.

Section 13. The person bringing the charge shall be guaranteed the following rights:

**Rights of
accuser**

A. The right to receive a copy of any written answer to the charge which may be filed by the accused at the time such answer is filed.

B. The right to have the initial trial body convened no later than seventy-eight calendar days after the charge(s) have been filed.

C. The right to have at least fifteen days' advance notice of the date, time, and place of the trial.

D. The right to give personal testimony.

E. The right to present the testimony of others and to cross-examine witnesses presented by the accused.

F. The right to compel the production of union records pertinent to the case.

G. The right to choose a person to act as the charging party's counsel in the case.

H. The right to appeal, in the manner hereafter provided.

Section 14. The person bringing the charge shall be under the following obligations:

**Obliga-
tions of
accuser**

A. To file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.

B. To appear in person at the trial.

C. To assume the burden of proof.

Section 15. A trial body may, if it finds the

Penalties

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**against
guilty
party**

accused person guilty, assess 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 of which the accused is found guilty.

B. A fine in an amount not to exceed one year's dues, to be paid to the union at the level at which the charges originate.

C. Full or partial restitution, where the consequences of the offense can be measured in material terms.

D. Removal from office in the union at the level at which the charges originate.

E. Suspension from the right to hold any election position at the level at which the charges originate for a period not to exceed four years.

F. Suspension from the right to hold or seek any elected position at any level of the union for a period not to exceed four years.

G. Suspension from membership for a specified period of time, not to exceed two years.

H. Expulsion from membership.

I. Suspension from employment by the Federation or its subordinate bodies.

J. Removal from employment by the Federation or its subordinate bodies.

Any individual who has been suspended, expelled or removed as provided in paragraphs E, F, G, H, I, or J, above, may not, during the period of such penalty, be employed in any capacity by the International Union or any subordinate body.

**Penalties
against
accuser
if charges**

Section 16. If the charges are not sustained, and the trial body or the appellate body is convinced that the charges were not brought in good faith or were actuated by malice, the trial body or the

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appellate body may impose such penalty on the charging party as in its judgment is deemed proper under the circumstances. In any case, the party against whom the penalty is imposed shall have the right to appeal the imposition of the penalty in the manner provided for other appeals, beginning at the level immediately above the trial or appellate level at which the penalty was imposed, and no such penalty shall take effect while an appeal of such penalty is pending.

**not
sustained**

Section 17. The decision of a local union trial body may be appealed by either party to the council trial body, if the local is affiliated with a council. In any case where a local union is not affiliated with a council, the decision of the local union trial body may be appealed to the Judicial Panel. Decisions of a council trial body, whether sitting as an original trial body or as an appellate trial body, may be appealed to the Judicial Panel.

**Appeal
from
decision**

Section 18. All decisions must be rendered by the trial body within thirty days following completion of the trial, except by mutual consent of the accuser and the accused. Such decision shall be in writing and shall be transmitted by registered mail, return receipt requested, to the person bringing the charge and to the accused simultaneously.

**Time
limits
and form
of
decisions**

Section 19. Either party may, within thirty days following receipt of the decision, file an appeal to the next higher trial body in the same manner as is provided for the filing of original charges with such trial body. The appeal shall be in writing, and shall be accompanied by a copy of the original charge and of the decision which is being appealed. The appeal shall set forth in substance the appellant's

**Time
limits
and form
of appeals**

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reasons for believing the trial body was in error and the nature of the error.

Appeal to council trial body

Section 20. Where the appeal is to a council trial body, the council trial body shall proceed, in the manner described for body, the council trial body shall proceed, in the manner described for the hearing of original charges, to hear such appeal; provided, however, that the council trial body may, in its discretion, hear the appeal on the record established at the local union level or as a new case.

Failure of trial body to act within time limits

Section 21. In any case where a local union trial body or a council trial body fails or refuses to carry out its responsibilities under this Article or, except by mutual consent, expressed in writing, of the accuser and the accused, to adhere to the time limits set forth in this Article, either party shall have the right to appeal to the next higher trial body; provided, however, that under unusual circumstances, which shall be clearly set forth and made a part of the trial record, a trial body may, by majority vote of all its members, extend the time limits for the holding of a trial not to exceed thirty days.

Effective date of decisions

Section 22. Decisions of trial bodies at all levels shall be in full force and effect from the date of the decision until and unless reversed or modified by an appellate body at a higher level; provided, however, that except in matters subject to Section 16 of this Article, any appellate body, upon receiving a notice of appeal, may order a delay in the carrying out of any penalty which has been assessed, pending its hearing and disposition of the appeal.

ART. XI

ARTICLE XI

The Judicial Panel

Section 1. As soon as practicable following the adoption of this language by the 1972 biennial convention, the International President shall, with the advice and consent of the International Executive Board, appoint a member of the Federation to serve as Chairperson of the Judicial Panel and eight other members of the Federation to serve as members of the Judicial Panel. Except as provided below, the terms of persons appointed to the Judicial Panel after the 1980 biennial convention shall be for three years. The terms of those members appointed in 1977 shall expire in 1980, and the terms of those members appointed in 1978 shall expire in 1981. Of those persons appointed to the Judicial Panel in 1980, three shall serve terms expiring in 1982 and three shall serve terms expiring in 1983. At any general meeting of the International Executive Board during the year in which a Panel Member's term is scheduled to expire, the International President shall, with the advice and consent of the International Executive Board, reappoint such member or appoint a successor. No two members of the Judicial Panel shall be members of local unions in the same Legislative District, as established in Article IV, Section 26, of this Constitution. At least three members of the Judicial Panel shall be from Legislative Districts located east of the Mississippi River and at least three members of the Judicial Panel shall be from Legislative Districts located west of the Mississippi River. No member of the International Executive Board and, except as provided

Appoint-ment of members

Terms of office

Member-ship