

Article 15

Guidelines for Hearings

For APWU Local or State Affiliates
In accordance with Article 15, Section 3 & 4 of the
APWU National Constitution and Bylaws, as amended
July 24, 2012

These guidelines were developed to assist APWU Local and State affiliates on what is required to take place if you should receive a charge. If you have additional questions, please contact the APWU National Secretary-Treasurer's office at (202) 842-4215 or by mail to:

Secretary-Treasurer's Department,
American Postal Workers Union,
AFL-CIO, 1300 L Street, NW
Washington, DC 20005

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STEP 1 – Filing Charges

Constitution Provisions

Article 15, Section 3(c) reads:

“MEMBER CHARGES. A charge(s) by a member(s) in good standing that a member(s) has violated the APWU National Constitution or Bylaws or the Constitution or Bylaws of a Local, State, or Regional Organization must be specifically set for in writing and signed by the member(s) making the charge(s). For each alleged offense, the charge shall state (1) who is being charged; (2) the exact nature of the alleged offense; (3) the period of time during which the alleged offense took place and (4) the constitutional provision allegedly violated. Attached to the charge(s) will be evidence and/or, if there are witnesses, a signed statement from at least one (1) witness.

Article 15, Section 3(f) reads in part:

“PROCEDURES. Charges must be submitted to the Secretary-Treasurer or Treasurer, or, if the Secretary-Treasurer or Treasurer are charged, then to the highest ranking officer not charged, or the local, state or regional organization, of which the charged member(s) or officer(s) is a member, with the exception of National Officers. Charges against National Officers are to be submitted to the APWU National Secretary-Treasurer, or the highest-ranking officer not charged. All charges are to be submitted within one hundred twenty (120) days of the time the charging party(ies) first became aware, or reasonably should have been aware, of the alleged offenses...”

1. **FILING LOCAL OR STATE CHARGES** - The APWU member filing the charge(s) shall submit his/her signed charge(s), in writing to the Secretary-Treasurer or Treasurer, or to the highest ranking officer not charged at the local from which the charges were generated. However, if your constitution has language that the charge(s) is going to be directed to a different officer, such as the Recording Secretary, we suggest that you follow your constitution. If all officers are charged, you cannot send the charge(s) directly to the APWU National Secretary-Treasurer. You are still required to file the charge(s) at the Local/State level.
2. **FILING NATIONAL OFFICER CHARGES** – If an APWU member is filing charge(s) against an APWU National Officer, his/her signed letter of charge(s) should be submitted to the APWU National Secretary-Treasurer, or the highest-ranking officer not charged on the National Executive Board and mailed by certified or express mail with a return receipt to the named officer at the American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005. *(If all members of the National Executive Board are charged, then the Administering Officer of the charge(s) will be the APWU National Secretary-Treasurer.)*

STEP 2 – DUTIES OF THE ADMINISTERING OFFICER

Constitution Provisions

Article 15, Section 3(b) reads:

“The Executive Boards or trial boards of local unions or other subordinate bodies have jurisdiction only to hear charges against members or officers of such subordinate body. In cases where charges involving members or officers of a subordinate body are presented to the National Executive Board, it shall refer such charges to the subordinate body involved for a hearing.”

Article 15, Section 3(e) reads:

“Proceedings under this Article may be initiated by any member of the APWU by filing charges with the secretary of the body of which the accused is an officer or member.”

Article 15, Section 3(f) reads in part:

“Upon receipt of the charges, the secretary-treasurer or treasurer of the local, state, or regional organization or highest-ranking officer not charged with whom such charges are filed shall promptly transmit by express mail or certified mail, including a return receipt, a copy of the charges to the charged and charging parties at the last known address of each.”

Article 15, Sections 1(a) to (e) reads in part:

“The following shall constitute offenses, the commission of which shall subject any officer or member of the American Postal Workers Union, or of any subordinate body of the APWU, or a subordinate body itself, to disciplinary action as set for herein:

SEC 1.(a) Violating any provision of the Constitution or Bylaws of the APWU or of a subordinate body, or failure to perform duties or functions specified or required therein;

(b) Engaging in a movement which has for its purpose the fostering of a rival organization;

(c) Violating the right of members to be free from discrimination on the basis of race, color, creed, sex, sexual orientation, nationality, handicap, political affiliation, age, or religion;

(d) Engaging in conduct that would expose the APWU to civil liability;

(e) Joining or lending active support to any organization or movement, whose purposes and objectives are contrary to the fundamental principles of the government of the United States of America, such as a communist or fascist movement.”

Once the Administering Officer receives the charge(s), we suggest that you initial receipt of the charge(s) and stamp or write in the date of when the charge(s) were received. The Administering officer is then responsible to take the following actions to determine if the charge(s) meet the criteria set forth in Article 15, Section 3(c).

1. Verify that the person(s) filing the charge(s) is a member in good standing of the APWU and the Local or state affiliate.
2. Verify that the person(s) being charged is a member in good standing of the APWU and the Local or State affiliate.
3. If it is verified that a charged or charging party is not a member in good standing, a letter is required to be sent to the involved parties. The Administering Officer should advise the non-member (charged or charging) that the records reflect that he/she is not a member in good standing in accordance with Article 3, Section 1 of the APWU National Constitution and Bylaws. Therefore, this case will not be pursued through the Article 15 process since there are no constitutional provisions to cover non-APWU members. The letter should be sent by certified mail with a return receipt – or, if hand-delivered, you are to obtain the signature of the receiving individual and the date of receipt of your letter and/or maintain the signed certified delivery receipt.
4. If all parties are members in good standing, the Administering Officer should send acknowledgment of receipt of the charge(s), in writing, providing the person who is charged, with a copy of the charge(s), and advise the parties that a follow-up letter will be sent concerning the status of a hearing. This letter should be sent by certified mail with a return receipt – or, if hand-delivered, you are to obtain the signature of the receiving APWU member and the date when received.
5. For each charge, you are to:
 - a. Verify that the charge(s) is clearly stated, in writing, citing the exact nature of the alleged offense.
 - b. Verify that each charge outlines the constitutional provision that is alleged to be violated in either the Local or State Constitution and Bylaws, or the APWU National Constitution and Bylaws.
 - c. Check to see if there is evidence for each charge. If so, outline what is including with the charge letter.
 - d. Are there witness statements or names being listed as witnesses? If so, is it clear to you which charge that witness would be addressing.
 - e. Verify that the charge(s) fall within the 120 days of the time when the charging party(ies) became aware, or reasonably should have been aware, of the alleged offense.
6. **If the Administering Officer is in doubt on whether or not the charge(s) is properly filed, then a special Executive Board meeting is required to be called.** This meeting should be chaired by the President or as defined by the Local/State's

Constitution and Bylaws. However, if the President is the charged or charging party, the next highest ranking officer or the Administrative Officer is to chair the meeting. The following actions shall be taken at the meeting:

- a. An Executive Board member(s) who is the charging or charged party, or a witness shall be excused from this meeting. This can be done either prior to the meeting by contacting the charged or charging parties (Executive Board Members only), explaining the purpose of the meeting or excusing the members of the Executive Board directly named or involved with the charge as the first order of business to be taken at the meeting.
- b. Under no circumstances should the entire Executive Board be ruled ineligible to decide if the charge(s) meets the criteria as stated in #5a-e. You are to use good judgment in making your determination of who shall be included, with the understanding that an unreasonable decision can be used by either side as a point to raise as a procedural question before the Trial Board in a National Executive Board appeal.
- c. Witnesses who plan to testify and/or Executive Board member(s) who is serving as the accused or the accuser's representative may also be excused upon concurrence by the individuals or the Executive Board. Take into consideration that some witnesses may be able to evaluate fairly.
- d. The remaining Executive Board members shall determine if the charge(s) meets the criteria for a hearing as stated in item #5. The Chairperson shall advise all Executive Board members who remain in the room that the purpose of the meeting is only to determine if the charge(s) meets the criteria. Avoid, if possible, discussions on the merits or on whether a violation occurred.
- e. Should a charge(s) be dismissed, the Administering Officer is to notify the parties, providing his/her appeal rights as stated in Article 15, Section 4 of the APWU National Constitution and Bylaws. Send this letter by certified mail with a return receipt, or, if by hand delivery, obtain the signature of the receiving APWU member and the date when received. Appeals must be made within thirty (30) days of receipt of the letter and sent to: Secretary-Treasurer's Department, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005.
- f. At this special Executive Board meeting, if it is the decision of the Executive Board to hold a hearing, those in attendance at the meeting are to determine who will serve as the Hearing Officer and/or Trial Board. One officer must be designated as the Chairperson of the Trial Board. Consistent with the Local or State Constitution and Bylaws, additional Executive Board Officers can serve as the Trial Board with only one exception. Should your constitution have language for an elected Trial Board, then you must elect the members for the Trial Board by secret ballot at the same time you hold your election of officers.
- g. If the entire Executive Board is charged and there is no language for an elected Trial Board, the charges should go directly to the Trial Board at the Local/State level, limiting the Trial Board to only those Executive Board members with limited involvement who feel they can be objective once they hear both sides

and who further believe they can render a fair decision. All procedural issues at this stage can be raised at the hearing and ruled on by the Trial Board.

STEP 3 – HEARING NOTIFICATION DUTIES

Constitution Provisions

Article 15, Section 3(j) reads in part:

The Local/State Executive Board or separate elected trial board for a subordinate body shall constitute the trial board before which hearings on charges may be held; provided, however, that any such trial board may appoint one (1) or more of its members who shall be impartial, to act for it as hearing officer(s) for the purpose of holding hearings...”

Article 15, Section 3(g) reads:

“The accused shall be accorded a full and impartial trial, with the rights to appear personally and be represented by any member of this Union, but whether the accused shall be represented by an attorney at such trial shall be left to his/her own discretion.”

Article 15, Section 3(f) reads in part:

“Accompanying the charges shall be written notice of the time and place of the hearing, which shall be held not less than one (1) week after the date of the mailing of the notice. In the event of a trial board being appointed pursuant to Section 3(i), such notice of hearing shall be given to the accused by the committee.”

1. Once the Hearing Officer and/or Trial Board members are named, the Administering Officer, the Hearing Officer or Chairperson of the Trial Board is required to send a letter to both the charging and charged parties by certified mail with a return receipt, providing the following:
 - a. Copies of the charge(s) and documentation received.
 - b. Date, time and place of the hearing
 - c. Name(s) of the Hearing Officer and/or Trial Board
 - d. Address of Hearing Officer and/or Chairperson of the Trial Board where either the charging or charged party may reach this individual for sending additional items, or contact that person if questions arise. (Please note: after the initial charges are filed, you **cannot** expand beyond the initial charges.)
 - e. All requests for information in preparation for the hearing by the charging or charged parties shall be made in writing and sent to the Hearing Officer or Chairperson of the Trial Board as far in advance of the hearing as possible. The Hearing Officer and/or the Trial Board has the authority to determine if the requested information is relevant and has the authority to direct the Local/State to provide the information for the hearing.
2. The notification letter shall provide the charged party his/her rights. This would include the right to be represented by an APWU member or an attorney at his/her own expense. The APWU National Constitution and Bylaws is silent on this issue,

but it is suggested that you permit the charging party to be represented by an APWU member of his/her choice or he/she may represent himself/herself. The charged party's non-APWU representatives are at the expense of the charged party. All APWU members representing the charged or charging parties should be treated the same for payment of lost time or travel. You should notify parties in advance if any reimbursement will be allowed.

3. While the APWU National Constitution and Bylaws requires the hearing to be held not less than one (1) week after the date of the mailing of the notice, we recommend ten (10) days in lieu of the seven (7) days. The Hearing Officer should consider all requests even if inconvenient, keeping in mind that the intent of this Article is to promote due process, giving both sides time to prepare and taking into consideration emergencies that may occur.

STEP 4 – THE HEARING AND THE DECISION

Constitution Provisions

Article 15, Section 3(h) reads:

“The hearing may be held on a charge notwithstanding the failure of the accused, after being given notice thereof pursuant to provisions of this Article, to appear thereat.”

Article 15, Section 3(i) reads in part:

“...in cases in which a hearing officer is appointed by the National Executive Board, such hearing officer shall hold such trial under such trial procedure as shall be determined by the National Executive Board; shall make findings of fact and conclusions of law in respect to such charges...” (Note: This also applies to APWU Local/State affiliates.)

1. The Local or State is required to have a detailed, written records of the hearing. The best record would be to hire a court reporter to record the proceedings. You should negotiate with the court reporter company to obtain two original copies of the transcript (with exhibits) and two computer disks (one to mail to National if an appeal occurs). If a court reporter is not obtained, we suggest that an audio taping of the hearing be made – this taping is to be transcribed to reflect verbatim what took place at the hearing. The original tape is to be retained under lock and key. It is essential that the Hearing Officer or Trial Board Chairperson (or Secretary of the hearing, if one is selected) number the exhibits as they are submitted during the hearing process and that the exhibits are later included as an attachment with the minutes of the hearing.
2. As the Hearing Officer and Trial Board, you have the authority to conduct the hearing in a manner that you decide is most productive to determine the facts of the charge(s). Most proceedings are conducted similar to an arbitration hearing.
3. The Hearing Officer or Trial Board cannot dismiss the charging or charged parties, and/or their representatives from the room while the hearing is in session.
4. This hearing may be open to observers or closed, at the discretion of the hearing officer or trial board.
5. You may sequester witnesses by asking them to leave the room during the hearing, except when called to give testimony.
6. On the day of the hearing, the following actions are to be taken:

- a. Everyone is requested to sign-in, including the Hearing Officer or Trial Board members, charging and charged parties, attorney, her/his representative(s), witnesses, and observers, whether or not they testify.
 - b. The Hearing Officer or the Chairperson shall introduce him/herself and Trial Board members, as well as all participants at the hearing.
 - c. If there is an APWU representative or attorney for the trial board, that person shall be introduced.
 - d. If there is an APWU representative for the charging party(ies), that person shall be introduced. (SPECIAL NOTE: Even though the constitution is silent, we suggest that you permit the charging party(ies) to use APWU members to serve as his/her representative.)
7. The Hearing Officer and Trial Board have the authority to proceed with the hearing whether or not the accused is present, if proper notification was given. REMEMBER: Notification is to be sent certified mail with a return receipt, or, if hand-delivered, you are to obtain the signature of the receiving APWU member and the date when received.
 8. In order to facilitate a more cohesive hearing, it is advised that you hear procedural questions at the start of the hearing. Depending on the nature of the procedural questions, you have the option to decide these questions verbally immediately after they are presented or to make a recommendation in conjunction with your written findings and recommendations in your report. A summary of the hearing is required to be prepared in writing with your findings.
 9. **Opening/Closing Statements** – Immediately after the Hearing Officer or Trial Board has heard all procedural questions, Opening Statements shall be made by parties (at their option). The charging party should go first. The charged party can be given the option of making an Opening Statement immediately following the Opening Statement of the charging party or wait until presentation of the defense portion of the hearing, at the option of the Trial Board or Hearing Officer. Both parties can make Closing Statements. The Hearing Officer or Trial Board can permit post-hearing briefs and, if they make the decision to do so, shall set a deadline for their receipt with the name and address to which the post-hearing brief is to be sent. (Explain at the hearing the post-hearing brief is not to include new testimony or exhibits).
 10. **Evidence** – Each party who wishes to present written evidence into the records shall have sufficient copies to give each Trial Board member, to the opposing side and to the court reporter and/or secretary, if present. (Remember: after the initial charges are filed, you **cannot** expand beyond the initial charges.) It is up to the Hearing Officer or Trial Board to determine if the copies would be printed by the Local or State under their supervision or directed to an employee or officer of the Local, prior to the hearing, or if the copies are to be made at each person's own expense.

- 11. Witnesses** – Whether you sequester witnesses before they have testified is the decision of the Trial Board. However, you must be consistent and sequester all or none of the witnesses. The one exception to the decision in sequestering the witnesses is that neither the Charged Party, nor the Charging Party, is sequestered even if he or she is going to testify. You may discourage or refuse cumulative witnesses who you understand to be offering testimony which is repeating testimony already given by others. (An example of one reason why you may deny cumulative testimony is the length of time of the hearing that may be considered unreasonable by the Trial Board or if both sides accept the nature of that testimony as part of the hearing record.)

NOTE: *Whether or not witnesses or the charging or charged parties are to be paid lost time is an internal decision by the Local or State affiliate. However, if the Local/State renders a decision to pay lost time to witnesses, charging or charged parties who are APWU members, they should treat both sides the same.*

STEP 5 – THE MEMBERSHIP MEETING

Constitution Provisions

Article 15, Section 3(j) reads in part:

“...In cases or which a hearing officer(s) is appointed, such hearing officer(s) shall hold such trial under such trial procedure as shall be determined by the trial board; shall make findings of fact and conclusions of law in respect to such charges; and shall recommend to the trial board what disciplinary action, if any, is to be taken by the trial board. In all cases, including those in which a hearing officer(s) is appointed, the trial board itself shall determine for itself what disposition should be made of the charges before it.

Article 15, Section 3(k) reads in part:

“Any decision or disposition of charges by the Executive Board or separate elected trial board of a local union shall be reduced to writing and submitted as a report to the Secretary of the local union, including a synopsis of the testimony introduced at the trial, together with the verdict “guilty” or “not guilty”, and the recommended disciplinary action, if any. Upon receiving the report the Secretary of the local union shall read it at the next regular union meeting, and in the event of a guilty verdict, submit first the question of sustaining the report as to guilt or innocence and, if guilt is determined, then the question of accepting or rejecting the recommended disciplinary action.”

1. **Trial Board Report** – The Hearing Officer or Trial Board Chairperson is required to make a written report (summary) for the Recording Secretary to read at the **next** Local general membership meeting, or the State convention (if a state officer member is being charged). The report should start with the names of the charged and charging parties, the date charges were filed, the date of the hearing, any rulings on procedural issues, and a list of charges. It should also include when and how the parties were notified of the hearing, when and where the hearing was taped and/or if a secretary took minutes, who attended, whether briefs were permitted and filed, and when the record was closed. If the Committee’s recommendation is “guilty” and the recommended “penalty” is a sixty-day (60) suspension or greater, or sixty (60) days without pay, we suggest this report to be one thousand (1,000) words or less.
 - a. Article 15, Section 3(k) of the APWU National Constitution and Bylaws requires you to summarize the hearing in your report. When there are multiple charges, you can decide on how to organize your discussion of the facts, finding and recommendation – charge by charge or in some other fashion. You are to summarize your finds on each charge, and state a decision: “guilty”, “not guilty”, “dismissed”, “withdrawn”, “issue to moot”, or exactly what your findings are for that charge.

- b. If the Hearing Officer or Trial Board finds the charged party “guilty”, you need to state what “penalty”, if any, is being recommended by the Hearing Officer or Trial Board.
 - c. The Hearing Officer or Trial Board is to provide the report to the Administering Officer, who will distribute it to be Local or State’s Executive Board, and to the appropriate members or for the membership at the next Local membership meeting *if it is decided to disseminate the report at the meeting*.
2. **Notice to the Charged and Charging Parties** – The Administering Officer is required to send the Hearing Officer or Trial Board’s report to both the charging and charged parties. The letter shall include the date, time and location of the membership meeting (State Convention for State charges), when the report will be read. This letter must explain the procedure that will occur, such as, if “not guilty” (no vote is taken at the meeting) or if “guilty” (a vote first on the question of “guilty” and then on the “penalty” will be taken at the meeting). The letter shall also include appeal rights for “not guilty”.
3. **Trial Board’s Report before the Local/State Membership – “Not Guilty” Decision** – If the charged party is found “not guilty”, the Hearing Officer or Trial Board would present its decision to the membership at the membership meeting and give a basis for the Hearing Officer or Trial Board’s finding. No vote is taken by the membership.
4. **Trial Board’s Report before the Local/State Membership – “Guilty” Decision** – If the charged party is found “guilty”, and the “guilty” verdict is a motion before the membership, the Chair should permit a specific time limit (recommend three to five minutes) to each side to give a presentation prior to the vote. The charged party(ies) is to advise the Administering Officer (or the person who sent the letter) if his/her counsel will be present at the membership meeting within five (5) days of the meeting.
5. The Hearing Officer or Trial Board is to take into consideration that their summary is to be read to the membership. It is important to establish time limits for allowing charging and charged parties to speak, as well as for members’ questions. If any are to be permitted, relating to the report, and whether the report is to be handled like any other motion on the floor.
6. A determination shall be made on whether or not the membership will be voting on each charge separately or all charges in total. The membership is then to vote on whether or not to accept the recommendations of the Hearing Officer or Trial Board of “guilty”. It takes fifty percent (50%) plus one (1) for the motion to be adopted, unless otherwise specified in the Local/State Constitution.
7. **Trial Board’s Report before the Local/State Membership – with “Penalty”** – If the membership finds the charged party(ies) “guilty”, then the membership would vote on the “penalty”, if any is recommended to be imposed. The membership can

decline to impose any “penalty” recommended by the Hearing Officer or Trial Board; or it can reduce the recommended “penalty”. However, the membership **cannot** increase the “penalty”.

8. The Administering Officer shall send the decision(s) that was adopted during the membership meeting to the Charged/Charging parties, by certified mail with a return receipt, or, if by hand-delivery, shall obtain the signature of the receiving APWU member and date when received. This letter shall include language stating the appeal rights in accordance with Article 15, Section 4(f) of the APWU National Constitution and Bylaws. The letter shall inform the parties that any letter of appeal is to be signed and sent to the National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005, within thirty (30) days of receipt of the decision letter.

STEP 6 – THE REFERENDUM VOTE

Constitution Provisions

Article 15, Section 3(k) reads, in part:

“However, if the recommended disciplinary action is expulsion, suspension without pay in excess of sixty (60) days or termination of an incumbent elected officer, an affirmative vote to expel from office or terminate the membership of the officer cannot take effect unless confirmed by two-thirds (2/3) of those voting in a referendum on the recommended disciplinary action. The affected officer shall have ten (10) days to submit a reply to the report. The report and the reply from the affected officer, if submitted, each of which shall contain no more than one thousand (1,000) words, shall be sent out with each ballot.”

1. Should the recommended “penalty” be expulsion, suspension without pay in excess of sixty (60) days, or termination of an incumbent elected officer, **before any penalty can be imposed**, a special referendum vote is to be conducted by the entire membership of the Local or State, for general officers. If it is proposed to expel, suspend without pay in excess of sixty(60) days, or terminate a craft officer, only member of the respective craft will vote in the referendum. If two-thirds (2/3) of those voting in the referendum do not affirm the recommended disciplinary action, the “penalty” cannot be imposed.
2. It is recommended that, if not addressed in the Constitution of the subordinate body, a **Referendum Vote Committee** be established, consisting of at least three (3) members (if possible), to conduct the special referendum vote.
3. The Administering Officer is to send the decision(s) that was adopted during the membership meeting to the Charged/Charging Parties, by certified mail with a return receipt, or, if hand-delivered, you are to obtain the signature of the receiving APWU member and the date when it was received. A special paragraph is to be added about the conducting of the special referendum vote. The letter also is to advise on the appeal rights in accordance with Article 15, Section 4(f) of the APWU National Constitution and Bylaws. The signed letter of appeal is to be sent to the National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005, within thirty (30) days of receipt after receiving notification at the conclusion of the referendum process.
4. The Local/State’s Referendum Vote Committee will be responsible for the conduct of the entire referendum vote process. However, the Local/State’s Executive Board or membership shall determine whether or not an outside balloting association will be used to conduct the special referendum vote (consistent with who can approve an expenditure of this nature).

5. The Referendum Vote Committee (or, the Administering Officer of Hearing Officer/Trial Board) shall send notice to the accused that he/she has ten (10) days from the date when the letter is received to submit a reply to the report of the Trial Board that contains no more than one thousand (1,000) words. The letter shall be sent by certified mail with a return receipt, or, if by hand-delivery, obtain the signature of the receiving APWU member and the date when it was received. SPECIAL RECOMMENDATION – It is suggested if the decision of the Trial board is over one thousand (1,000) words, that the Trial Board (not the President or any other officer) shall reduce, in writing, this report to the one thousand (1,000) word maximum. This reduced copy is to be sent to the charged party(ies) prior to his/her submitting his/her one thousand (1,000) word statement for adding to the ballot.
6. The Referendum Vote Committee shall determine (1) what mailing address will be used for returned ballots; and (2) where undeliverable and any correspondence relating to the special referendum vote are to be sent. If you are using a ballot association, you need to set up the appropriate mailing addresses with this company by either using a street or post office address. If you utilize a post office for returned ballots, you are required to have a secured lock box. Do not obtain the key for this box. The referendum may be conducted by setting up polling stations.
7. The Referendum Vote Committee shall develop dates for conducting this referendum: (1) Eligibility Date of member in good standing status to vote in this referendum; (2) Date, time and location where the ballots will be prepared; (3) Date, time and contact address or phone number where a duplicate ballot can be obtained from the Referendum Vote Committee; (4) Date, time and location when the ballots will be picked up; and (5) Date, time and location where the ballots will be tallied.
8. The Referendum Vote Committee prepares the ballot. The Referendum Vote Committee is to notify the charged and charging parties or their representatives that they can observe the balloting process.
9. The Referendum Vote Committee is responsible for insuring that, if ballots are mailed, they include: (1) instructions and the date balloting is closed; (2) the question before the membership with the decision of the Hearing Officer or Trial Board of no more than one thousand (1,000) words; (3) the statement from the accused, if submitted, containing no more than one thousand (1,000) words; (4) a secret ballot envelope; and (5) a stamped, prepaid postage ballot return envelope, or all information except item (5) if using voting station(s).
10. Upon finishing the tallying of the vote, the Referendum Vote Committee shall prepare a report that provides: (1) The number of ballots mailed; (2) the number of duplicate ballots mailed; (3) the number of ballots returned; (4) the number of ballots voided; and (5) the number of yes and no votes. The Referendum Vote Committee chairperson shall sign the official tallying report. The original copy shall be forwarded to the Administering Officer. A copy of the tallying report shall be placed with the special

referendum vote material that is to be sealed. (The original tallying report is to be retained with the permanent charge file.)

11. The Referendum Vote Committee shall seal all referendum vote materials in a box or envelope, and then sign the sealed area. This material shall be retained in a secured location during all appeal processes and for one (1) year after all appeals are exhausted.
12. The Administering Officer is to make copies of the original tallying report and send a copy to the charging/charged parties, the Executive Board, the Hearing Officer or Trial Board, and the Referendum Vote Committee. The Administering Officer shall include a special letter with the report, stating: (1) the Referendum Vote Committee will report at the Local/State membership meeting being held (give the date, time and location); (2) the dates when the "penalty" will become effective and end, if applicable; and (3) the appeal rights as stated in Article 15, Section 4 of the APWU National Constitution and Bylaws. The letter shall state that letters of appeal should be signed and mailed to the National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005, and must be received within thirty (30) days of receipt of the letter on the final results. These items are to be sent certified mail with a return receipt, or, if hand-delivered, you are to obtain the signature of the receiving APWU member and the date when it was received.

STEP 7 – THE APPEAL PROCESS

Constitution Provisions

Article 15, Section 3(a) reads:

“The National Executive Board of this Union shall have jurisdiction to hear and determine any and all charges under this Article or the Constitution.”

Article 15, Section 3(d) reads:

“Except in cases of suspension or expulsion for non-payment of dues or per capita, no disciplinary action shall be taken for violation of any of the provisions of this Article or of the Constitution until an accused individual or a subordinate body has been accorded the following procedures.”

Article 15, Section 3(i) reads in part:

“The National Executive Board shall constitute a trial board before which hearing on the charges before the National Executive Board may be held; provided, however that the National Executive Board may appoint a hearing officer or officers to act for it for the purpose of holding a hearing. The National Executive Board may appoint as a hearing officer one (1) or more National Union Officers who shall be impartial.”

Article 15, section 4(a) through (e) reads:

“(a) Any person or body, against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part, shall have the right to appeal as follows:

(b) From the disciplinary action of or dismissal of charges by a local union, (1) to the President, (2) to the National Executive Board, and (3) to the National Convention.

(c) From the disciplinary action of or dismissal of the charges by the National Executive Board to the National convention.

(d) From the disciplinary action of the President (1) to the National Executive Board, and (2) to the National conventions.

(e) In acting as an appeal beard, the National Executive Board may appoint one (1) or more National Union Officer(s), who shall be impartial, to act for it for the purpose of reviewing any appeal, in which case the member so named shall make recommendation to the National Executive Board concerning the disposition of

the appeal, and it shall determine for itself what final disposition shall be made of the appeal.”

Article 15, Section 4(f) reads in part:

“Appeals shall be taken within a reasonable time not to exceed thirty (30) days from the date that notice of disposition of the charges or disposition of any intermediate appeal is received; provided, however, that the appellate body may, in its discretion, extend such time for the appeal if circumstances so warrant. Appeals shall be in writing and shall state the basis of the appeal. The appellant shall be permitted to present such appeal in person before any appellate tribunal, provided, however that in the case of an appeal to a National convention, such personal appeal shall be limited to appearance before the Convention Committee established to deal with appeals unless such appeals committee or the convention itself determines to permit a personal appearance before the National Convention.

1. The charging or charged party(ies) have the right to appeal the decision of the Local/State’s Executive Board, the Hearing Officer, the Trial Board or of the membership, including the special referendum vote if one is required to take place, to the National Executive Board (NEB). We suggest, to be able to verify receipt, that you send the signed appeal letter by either certified or express mail with a return receipt to the National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005, within thirty (30) days of receipt of the decision. The appealing party(ies) shall provide the following documentation with the appeal:
 - a. Appeal letter, outlining which charge is being appealed, providing an explanation on why an appeal is being made to the next level.
 - b. Copies of all letters, background information (such as, meeting notices, minutes, and a copy of the transcript from the hearing) and/or reports, if applicable, sent to the appealing party by the Administering Officer, Hearing Officer and/or Trial Board.
 - c. Copies of original letter of charges and all documentation submitted by the charging or charged party(ies).
2. **WHEN TO MAKE APPEALS** – A signed appeal on any decision must be made within **thirty(30) days of receipt of the decision**, specifying which charge is being appealed. Once again, we suggest that all correspondence be sent by certified mail with a return receipt, or, if hand-delivered, you should obtain the signature of the person receiving the appeal on behalf of the Union and the date when it was received. You may make an appeal:

- a. From the decision of the Executive Board if you disagree with their decision in whole or in part, including the dismissal of the charge(s). With the exception of the charged or charging party disagreeing with the Executive Board, any action the Executive Board, Hearing Officer or Trial Board took prior to hearing those disagreements can be raised at the beginning of the hearing as procedural issues in which you are seeking a ruling by the Hearing Officer or Trial Board.
 - b. If the charging/charged party disagrees with the decision of innocence. (This decision is read at the next regularly held membership meeting, however the membership does not vote on a “not guilty” decision.)
 - c. If the charging/charged party disagrees with the decision of “guilt” as rendered by the Hearing Officer or Trial Board and upheld by a vote of the members present and voting at a regular membership meeting, or disagrees with the “penalty” reached by the membership.
 - d. If an appeal is made to the National Executive Board prior to the membership action, the appeal may be ruled premature, and in all likelihood will be returned.
 - e. If the charging/charged party disagrees with the referendum vote relating to the “penalty” adopted by the membership on the “guilty” verdict on the charge(s) as addressed in Article 15, Section 3(k) of the APWU National Constitution and Bylaws. Either party has thirty (30) days from receipt of the letter from the Administering Officer on the outcome of the special referendum vote to appeal to the National Executive Board.
 - f. The National Executive Board of the APWU shall have jurisdiction to hear and determine any and all charges under Article 15 of the APWU National Constitution and Bylaws.
3. Upon receipt of an appeal, the National will determine if it is proper before them. If not, the appeal will be remanded back either for the appellant to submit to the appropriate body, or for the Local/State to hold a hearing consistent with Article 15 of the APWU National Constitution and Bylaws.
4. If the appeal is considered proper before the National, it will either be assigned to a Hearing Officer or Reviewing Officer, and in either case, all parties will be notified.
5. The assigned Reviewing or Hearing Officer will inform the parties on how they intend to proceed, and will report to the National Executive Board their findings, including a recommendation.
6. The National Executive Board will make a decision on appeal and notify all parties.
7. The NEB Decision can be appealed to the next national convention, within thirty (30) days from receipt of the NEB’s decision. If an appeal is received to the next national convention, proper notification will be sent to the appealing APWU member and all affected parties.

Article 15

Sample Letters

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**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

SAMPLE LETTER OF CHARGES

(Sent Certified Mail [add number] – Return Receipt)*

Filing Charging Party(ies) Address
City, State, Zip Code
Date of Letter

Secretary-Treasurer (or highest ranking officer not charged per your constitution)
Name of Local or State Affiliate, APWU
Address, City, State Zip Code

In accordance with Article 15 of the APWU National Constitution and Bylaws [and/or the provision of your Local/State Constitution and Bylaws], I hereby submit the following charge(s):

Charge #1 – Give name of charged party(ies) and define charge as outlined in Article 15, Section 3(f) of the APWU National Constitution and Bylaws, and include the following:

- A. Article and Section violated of local, state or national constitution and bylaws
- B. Date of alleged violation(s)
- C. Provide details on what actually occurred
- D. Provide the remedy you are seeking

Charge #2 – Give name of charged party(ies) and provide documented information as outlined in Charge #1.

And...continue numbering charges until you have listed each charge separately.

Print Full Name

And add signature(s) of all charging parties

Enclosures: Add Evidence and Witness Statements [Submit a separate list of address and phone numbers of charging parties and witnesses.]

- 1. Names of witnesses and addresses
- 2. Copies of witness statements
- 3. Copies of all documents covering your allegations – Number each document, such as Attachment #1 to [DATE] Letter - ____ pages

ONLY FOR USE BY ADMINISTERING OFFICER: Please assign a “Local Case Number” to this case that is to be placed on all communications being sent out or received.

dls//opeiu #2, afl-cio

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SAMPLE RESPONSE LETTER TO INDIVIDUAL NOT AN APWU MEMBER

[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]

Date of Letter

(Sent Certified Mail [add number] – Return Receipt)*

Filing Charging Party(ies) Name
Address
City, State, Zip Code

RE: Local Case Number _____

Dear Mr. or Ms. [Last Name]:

The [name of Local/State] is in receipt of your letter of charge(s), dated [give date] and received on [give date], that was filed with your Local consistent with Article 15 of the APWU National Constitution and Bylaws.

A review of our records indicates that you are not a member in good standing of the American Postal Workers Union or this Local/State affiliate as of this date.

Therefore, this letter is to advise that your letter of charge(s) shall not be pursued unless you can provide proper documentation substantiating that you are a member of the APWU.

Sincerely,

Signature and type name and title

CC: Charged Party(ies)

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SAMPLE ACKNOWLEDGEMENT LETTER TO CHARGING APWU MEMBER

[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]

Date of Letter

(Sent Certified Mail [add number] – Return Receipt)*

Filing Charging Party(ies) Name
Address
City, State, Zip Code

Charged Member(s) Name
Address
City, State, Zip Code

RE: Local Case Number _____

Dear Brother or Sister [Last Names]:

The [name of Local/State] is in receipt of the letter of charge(s), dated [give date] and received on [give date] with our Local or State affiliate.

The [name of Local/State] has accepted this letter of charge(s). By copy of this letter, I have forwarded these charges to the charged party(ies).

All parties will be contacted when it is determined on when a hearing will be scheduled, and who will be serving [as the Hearing Officer or as members of the Trial Board. No less than seven (7) days after receipt of the charges)

Yours in Union Solidarity,

Signature and type name and title

Enclosure(s): Copy of Received Charges and Documentation

CC: Involved Parties not named above

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SAMPLE WORKSHEET FOR ADMINISTERING OFFICER

Name of Local/State: _____

LOCAL CASE NUMBER: _____ **CHARGE #** _____
[if more than one charge, specify as Charge #1, #2, #3, etc.]

THIS CHARGE: _____ meets the requirements. _____ does not meet requirements.

If NO, please explain: _____

Charging Party(ies): _____

Charged Party(ies): _____

Constitution Violations: _____

Date of Allegation: _____ Meet 120 Days Requirement: _____ YES _____ NO

Evidence [please define – use reverse side if needed]

1. _____
2. _____

Names of Witnesses [please specify if there is a written statement use reverse side if needed]

1. _____ Written Statement _____
2. _____ Written Statement _____

Printed Name

Printed Name

Title

Title

Signature

Signature

Date: _____

Date: _____

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SAMPLE HEARING NOTICE LETTER TO CHARGING/CHARGED APWU MEMBERS

Date of Letter **[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]**

(Sent Certified Mail [add number] – Return Receipt)*

Charging Party Name
Address
City, State, Zip Code

RE: Local Case Number _____
Official Hearing Notice: [give day, date and time]

Dear Brother or Sister [Last Names]:

This is your official notice that the Trial Board will be conducting a hearing on the charge(s), dated (give date), filed by [give names and titles, if applicable] against [give names and titles, if applicable] that was filed in accordance with Article 15 of the APWU National Constitution and Bylaws (or the provision of your Local/State Constitution and Bylaws). The hearing will be held on:

[State Day and Date and Time]

[State Location and Full Address and Phone Number, if available]

Article 15, Section 3(g) of the APWU National Constitution and Bylaws provides for the accused to be accorded a full and impartial trial, with the right to appear personally and to be represented by any member of this Union, but whether the accused shall be represented by an attorney in such trial shall be left to his/her own discretion.

Article 15 of the APWU National Constitution and Bylaws also provides for the Trial Board to proceed with the hearing on the scheduled day whether or not the charging or charged parties are in attendance.

Enclosed are copies of the charges and documentation that have been received. If you have additional documentation to submit prior to the hearing, you may direct this information to the [Hearing Officer or Trial Board] and send to [give address]. As the [Hearing Officer or Chairperson of the Trial Board], you may contact me at [give area code and phone number(s) of where you can be reached]. With kind regards, I remain

Yours in Union Solidarity,

Signature and type name and title

Enclosures: Copy of Received Charges and Documentation

CC: All charged/Charging parties via certified mail
 Trial Board [You may wish to notify them if they are involved with the hearing.]

*****THIS LETTER IS TO BE SENT NOT LESS THAN ONE (1) WEEK PRIOR TO THE DATE OF THE HEARING. IT IS RECOMMENDED THAT AT LEAST TEN (10) DAYS BE GIVEN.***

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SAMPLE WORKSHEET FOR THE TRIAL BOARD

Worksheet for Hearing

APWU LOCAL OR STATE: _____

RE: **Local Case Number** _____ **CHARGE #** _____
 [if more than one charge, specify as Charge #1, #2, #3, etc.]

DATE OF HEARING: _____

LOCATION: _____

Charging Member(s):

Name of APWU Member Serving as Representative:

[Even though the constitution is silent, we suggest that you permit the charging party(ies) to use APWU members to serve as his/her representative.]

Charged Member(s):

Name of APWU Member Serving as Representative or Attorney:

COURT REPORTING SERVICES [or...name of company who will be transcribing the tape]
 [list name of contact name, company, address, work and fax numbers]

[It is recommended that you obtain one original of the proceedings, plus a computer disk.]

HEARING OFFICER OR TRIAL BOARD MEMBERS

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**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

[PUT NAME OF LOCAL OR STATE AFFILIATE], APWU

**SAMPLE SIGN-IN SHEET
FOR
HEARING BEING HELD ON
DAY & DATE & TIME**

RE: Local Case Number _____

PRINTED NAME	SIGNATURE

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**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

SAMPLE REPORT OF HEARING OFFICER OR TRIAL BOARD
[STEP 5, ITEM #35]

PREPARING THE REPORT – PAGE 1 OF 4

Local Case Number _____

Date of Hearing: [add date]

INTERNAL UNION HEARING
[NAME OF LOCAL OR STATE AFFILIATE], APWU

IN THE MATTER OF

[CHARGING PARTY(IES)]

v.

[CHARGED PARTY(IES)]

B E F O R E: Hearing Officer or Trial Board's Names

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**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

**SAMPLE REPORT OF HEARING OFFICER OR TRIAL BOARD
[STEP 5, ITEM #35]**

Local Case Number: _____ **CHARGE #** _____
[if more than one charge, specify as Charge #1, #2, #3, etc.]

PREPARING THE REPORT – PAGE 2 OF 4

Hearing Officer or Trial Board Chairperson: _____
and Trial Board Members:

Charging Party(ies): _____

Charged Party(ies): _____

Charge Incident Date: _____ Date of Charges: _____

Hearing Date: _____ Hearing Officer/Trial Board Report Date: _____

Transcript Made: _____ YES _____ NO Work Done By: _____
[State on how done: Court Reporter, Audio Taping and then transcribed, or describe method used]

Date When Report is sent to Charged/Charging Parties prior to membership meeting: _____

[The [Hearing Officer or Trial Board] would then follow the procedures as stated above for additional charges.]

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SAMPLE REPORT OF HEARING OFFICER OR TRIAL BOARD

Local Case Number: _____ CHARGE # _____
[if more than one charge, specify as Charge #1, #2, #3, etc.]

PREPARING THE REPORT – PAGE 3 OF 4

1. Provide Background and Chronology about the case.

CHARGE #1

2. Start with Charge #1 – Quote the charge.
3. Provide alleged constitutional provisions.
4. State facts presented during hearing by charging party(ies).
5. State facts presented during hearing by charged party(ies).
6. Summarize testimony and exhibits provided for Charge #1.
7. If the charging party(ies) **withdraws** the charge, this is to be reduced in writing to the [Hearing Officer or Trial Board]. Your report will state: “Charge # _____ has been withdrawn by Charged Party on (give date). The [Hearing Officer or Trial Board] has accepted the withdrawal letter.” You do **not** need to address Items #4, #5 and #6 as stated above.
8. If the charge is not withdrawn, but the decision of the [Hearing Officer or Trial Board] is to **“dismiss” or “find not guilty” or state “issue is moot” ... or, whatever decision is rendered**, then sample reasons could be:
 - A. “The Local/State [Hearing Officer or Trial Board] dismisses Charge #1 because there was no documentation submitted to uphold the charge.”
 - B. “The Local/State [Hearing Officer or Trial Board] dismisses Charge #1 because it was determined that there was no violation of [quote article and section] of the APWU National Constitution and Bylaws or [name of Local/State] Constitution and bylaws.”
 - C. “The Local/State [Hearing Officer or Trial Board] dismisses Charge #1 because [give name of charging party(ies) and title, if applicable] is acquitted of the charge based on the lack of evidence submitted and testimony by the accuser.” Or
 - D. “The Local/State’s [Hearing Officer or Trial Board] dismisses Charge #1 because the issue is moot.”

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SAMPLE REPORT OF HEARING OFFICER OR TRIAL BOARD

Local Case Number: _____ CHARGE # _____

[if more than one charge, specify as Charge #1, #2, #3, etc.]

PREPARING THE REPORT – PAGE 4 OF 4

9. If the decision of the [Hearing Officer or Trial Board] is to “**find guilty**”, then suggested reason could be: “The Local/State [Hearing Officer or Trial Board] finds [name of charged party(ies) and title, if applicable] “guilty” of Charge #1 because [state reasons].”
10. If the decision is “guilty”, the [Hearing Officer or Trial Board] may or may not decide to issue a “**penalty**”. Sample sentences could be:
 - A. “The Local/State [Hearing Officer or Trial Board] recommends that [name of charged party(ies) and title, if applicable] be ordered to reimburse all monies received from the Local/State for failing to attend the function authorized by the Local/State.”
 - B. “The Local/State [Hearing Officer or Trial Board] recommends that [name of charged party(ies) and title, if applicable] be suspended from office for a period of [give time period], effective [give date], that would include withholding payment of salary as outlined in the [name of Local or State] constitution and bylaws.]
 - C. “The Local/State [Hearing Officer or Trial Board] finds [name of charged party(ies)] guilty, and recommends no “penalty”, except to instruct the involved party to adhere to the provisions of the [name of Local or State] constitution and bylaws.”
11. The [Hearing Officer or Trial Board] may recommend disciplinary action to include expulsion, suspension without pay in excess of sixty (60) days or termination of an elected officer. The recommendation is before the [Local or State] membership to consider. If adopted, the Local/State is required to conduct a special referendum vote on whether or not to accept this disciplinary action. Refer to Article 15, Section 3(k) of the APWU National Constitution and Bylaws for procedures.
12. At the conclusion of the report, the Hearing Officer or Trial Board Members would affix their signatures and date to the report.

The [Hearing Officer or Trial Board] would then follow the procedures as stated above for additional charges and affix their signatures at the end of the report, as well as put date signed.

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SAMPLE LETTER TO CHARGING/CHARGED APWU MEMBERS

TRIAL BOARD'S DECISION

THIS LETTER IS TO BE SENT TO BE RECEIVED PRIOR TO THE DATE OF THE MEMBERSHIP MEETING AT WHICH THE REPORT IS TO BE DISCUSSED.

Date of Letter **[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]**

(Sent Certified Mail [add number])

Filing Charge's Name

Address

City, State, Zip Code

RE: Local Case Number _____

Dear Brother or Sister [Last Names]:

This is in further reference to the hearing conducted on [give date of hearing] by the [Hearing Officer or Trial Board] on the charges filed by [give names and titles, if applicable] against [give names and titles, if applicable].

Enclosed is the report of the [Hearing Officer or Trial Board] that includes the findings and recommendations for each charge. This report is being provided to you prior to the membership meeting for your review. The report will be presented at the [give date, time and location of membership meeting].

If you were found "guilty" as stated in the [Hearing Officer or Trial Board's] report, the membership will vote on whether or not the findings of "guilty" will be upheld. If the report gives a recommended "penalty", a second vote will be conducted.

CHARGED PARTY(IES): If you wish to have your counsel present at the membership meeting of [give date], please notify me by [give date]. Your counsel, if a non-member, will be allowed to be present only during the deliberations of this case and when the action of the membership is given to you. You or your representative will be given _____ minutes *[suggested time limit is 3-5 minutes]* to present your position on the motion before the membership.

If you have any questions relating to this matter, please contact me at [give phone contact numbers].
With kind regards, I remain

Yours in Union Solidarity,
Signature and type name and title

Enclosures: [name documents attached]

CC: All charged/charging parties via certified mail
 Executive Board [Only if you wish to send the report prior to the meeting to them.]
 [Hearing Officer or Trial Board]

dls//opeiu #2, afl-cio

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**SAMPLE LETTER TO CHARGING/CHARGED APWU MEMBERS
WITH DECISION OF MEMBERSHIP MEETING**

THIS DECISION LETTER IS TO BE SENT BY THE ADMINISTERING OFFICER AFTER THE MEMBERSHIP'S ACTION AT THE REGULAR MEMBERSHIP MEETING.

Date of Letter **[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]**
(Sent Certified Mail [add number] – Return Receipt) – **If hand-delivered, request individual to sign a receipt of accepting the letter**

Filing Charge's Name	Charged Member's Name
Address	Address
City, State, Zip Code	City, State, Zip Code

RE: Local Case Number _____

Dear Brother or Sister [Last Names]:

This is in further reference to the vote taken at the meeting of [give date] of the [name of Local/State] relating to the charges filed by [give names and titles, if applicable] against [give names and titles, if applicable].

It was reported to the membership that the decision of the [Hearing Officer or Trial Board] was to find you "not guilty" on Charge #_____. [or ... if only one charge, use "the above-cited case"] because [only add if there is a reason]. Therefore, this issue is now closed.

OR IF FOUND GUILTY USE: The membership adopted the following motion on Charge #_____: [Restate motion for each charge.]

Since the membership adopted a "guilty" verdict for Charge #_____, the following "penalty" motion on Charge #_____ was adopted: [Restate penalty motion for each charge.]

The motions as adopted above are effective from [specify date]
.... [Add on how "penalty" motion is to be implemented and when it becomes effective.]

You have the right to appeal this decision within thirty (30) days of receipt of this letter as provided by Article 15, Section 4(f) of the APWU National Constitution and Bylaws. Your appeal is to be sent to National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005.

Yours in Union Solidarity,

Signature and type name and title

CC: Executive Board [Only if you wish to provide them with this letter.]
 [Hearing Officer or Trial Board]

dls//opeiu #2, afl-cio

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SAMPLE LETTER ABOUT SPECIAL REFERENDUM

THIS DECISION LETTER IS TO BE SENT BY THE ADMINISTERING OFFICER AFTER THE MEMBERSHIP'S ACTION AT THE REGULAR MEMBERSHIP MEETING.

Date of Letter [USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]

(Sent Certified Mail [add number] – Return Receipt)*

Filing Charge's Name

Address

City, State, Zip Code

Charged Member's Name

Address

City, State, Zip Code

RE: Local Case Number _____

Dear Brother or Sister [Last Names]:

This is in further reference to the vote taken at the meeting of [give date] of the [name of Local/State] relating to the charges filed by [give names and titles, if applicable] against [give names and titles, if applicable] and the report of [Hearing Officer or Trial Board's]. Enclosed is a copy of that report [add...only if the report was amended.]

It was reported to the membership that the decision of the [Hearing Officer or Trial Board] was to find you "guilty" on Charge #_____ that reads:
[Restate motion for each charge.]

The membership then adopted the following "penalty" motion on Charge #_____
.... [Restate "penalty" motion for each charge.]

The Referendum Vote Committee has been established to conduct this special referendum vote. The members are: [give names and titles, if applicable]. You will be provided with details relating to the conducting of this vote by the Referendum Vote Committee in the near future.

You have the right to appeal this decision within thirty (30) days of receipt of this letter as provided by Article 15, Section 4(f) of the APWU National Constitution and Bylaws *after the special referendum vote is completed*. Your appeal is to be sent to National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005.

Yours in Union Solidarity,

Signature and type name and title

CC: Executive Board
[Hearing Officer or Trial Board]
Referendum Vote Committee.

dls//opeiu #2, afl-cio

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SAMPLE WORKSHEET APPOINTMENT OF TRIAL BOARD CHAIRPERSON

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 1 OF 12

MEMBERSHIP MEETING DATE WHEN ADOPTED TO CONDUCTED SPECIAL

REFERENDUM VOTE: _____

Local/State Name: _____

Local Case Number : _____

Charged Party(ies) Name(s): _____

Charging Party(ies) Name(s): _____

NAMES OF REFERENDUM VOTE COMMITTEE:

DECISION IS TO BE RENDERED ON METHOD OF HANDLING SPECIAL REFERENDUM VOTE:

_____ The Referendum Vote Committee will handle all aspects of vote process.

_____ An Outside Balloting Association will assist the Referendum Vote Committee with the voting process.

_____ Date when decision was rendered.

If Constitution and Bylaws is silent, we recommend a minimum of three (3) members to serve on the Referendum Vote Committee.

dls//opeiu #2, afl-cio

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SAMPLE WORKSHEET BY REFERENDUM VOTE COMMITTEE

Local Case Number : _____ Charge # _____
REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 2 OF 12

SAMPLE LETTER ABOUT THE 1,000 WORD STATEMENT AND DATES FOR CONDUCTING THE SPECIAL REFERENDUM VOTE AND HEARING OFFICER/TRIAL BOARD REPORT, IF AMENDED

Date of Letter [USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]
(Sent Certified Mail [add number] – Return Receipt) – If hand-delivered, request individual to sign a receipt of accepting the letter

Filing Charge's Name
Address
City, State, Zip Code

RE: Local Case Number _____

Dear Brother or Sister [Last Names]:

This is in further reference to the letter of [give date] sent to you advising that a special referendum vote will be conducted relating to the "penalty" adopted by the membership at its [give date] meeting relating to the charge(s) filed against you by [give name].

As stated in Article 15, Section 3(k) of the APWU National Constitution and Bylaws which reads in part:

"The affected officer shall have ten (10) days to submit a report to the report. The report and the reply from the affected officer, if submitted, each of which shall contain no more than one thousand (1,000) words, shall be sent out with each ballot."

ONLY ADD IF HEARING OFFICER OR TRIAL BOARD'S REPORT WAS AMENDED ... Due to the length of the report, the [Hearing Officer or Trial Board] has been modified to be consistent with Article 15 of the APWU National Constitution and Bylaws to the 1,000 word limit. Enclosed is a copy for your information and to assist you with preparing your 1,000 word statement.

This letter is your official notification that your 1,000 word statement is to be received by the Referendum Vote Committee, no later than [give time, day and date] which can be either hand-delivered to me at [give location] or mailed to [give address]. Failure to receive this statement by the required time will result in your statement not being mailed out with the ballot.

To assist you, enclosed is the Special Referendum Vote Dates that provides the details for this process. If you wish to observe the preparation of the ballots or the tallying process, please let me know by either submitting a written request or calling me.

Yours in Union Solidarity,
Referendum Vote Committee's Signature and type name and title

Enclosure(s): Special Referendum Vote Dates and [Hearing Officer or Trial Board] Report [if amended]

CC: Local or State President AND Administering Officer
Referendum Vote Committee AND Hearing Officer or Trial Board

dls//opeiu #2, afl-cio

**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

**SAMPLE WORKSHEET BY REFERENDUM VOTE COMMITTEE
RELATING TO SPECIAL REFERENDUM VOTE**

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 3 OF 12

Local/State Name: _____

Charged Party(ies) Name(s): _____

Charging Party(ies) Name(s): _____

ACTIONS BY REFERENDUM VOTE COMMITTEE:

LOCKED rental box for sending returned ballots *[or...address set up by outside balloting association]:*

_____ YES / NO – There will be a separate box for receiving undeliverables and any correspondence relating to the vote. If YES, please state rental box number and address:

NOTE: We recommend that the rental box should be at a post office not under the jurisdiction of the Local/State involved.

DATES RELATING TO LETTERS BEING SENT TO INVOLVED PARTY(IES):

_____ Letter to Charged Party(ies) about 1,000 word statement, Election Dates and Rights to Observe Process

_____ DATE WHEN YOU RECEIVE 1,000 WORD STATEMENT

_____ Letter to Charging Party(ies) and [Hearing Officer or Trial Board] about Election Dates and Rights to Observe Process

CHECKLIST ON ITEMS TO BE PREPARED FOR MAILING BY REFERENDUM VOTE COMMITTEE:

1. Obtain two sets of mailing labels for members. You may send a written request to the APWU National Secretary-Treasurer to request these labels.
2. Prepare Ballot, Ballot Instructions, Secret Ballot Envelope, Return Ballot Envelope, and Mailing Ballot Envelope for printing – and purchase sufficient envelopes.
3. Obtain the required postage for sending the entire ballot to all members and for the return ballot envelope.
4. Prepare sufficient copies of the 1,000 word statements and report to send with the ballot.

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**If any documents are hand-delivered, the individual must sign acknowledging receipt.*

SAMPLE WORKSHEET BY REFERENDUM VOTE COMMITTEE RELATING TO SPECIAL REFERENDUM VOTE

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 4 OF 12

[LOCAL / STATE NAME] DATES FOR THE SPECIAL REFERENDUM VOTE	
DATES	SPECIAL REFERENDUM VOTE PROCESS ISSUE
Specify Day and Date	For this special referendum vote, this is the date an individual must be an APWU member in good standing in order to be eligible to vote.
Specify Day, Date and Time	The Charged Party(ies) and the [Hearing Officer or Trial Board] are required to submit their One Thousand (1,000) word statements and/or report to the Referendum Vote Committee that will be included with the ballot.
Specify Day, Date and Time	The Referendum Vote Committee [or... the outside balloting association] will prepare the mailing of the ballots at [give location and phone number]. These ballots will then be mailed at the (give location).
Specify Day and Date	SECOND REQUEST BALLOTS – Members, who have not received a ballot, are to notify (give name) at [give phone number]. Please provide name, SSN and address. Second request ballots will be mailed out until [give date]. <i>SPECIAL NOTE...If the Referendum Vote Committee agrees to have duplicate request ballots available for pickup at the Union office [or, whatever address], you need to add this information here, listing the time, date and address where they can be picked up.</i>
Specify Day, Date and Time	The Referendum Vote Committee is scheduled to pickup the returned ballots from the [give location].
Specify Day, Date and Time	The Referendum Vote Committee will tally the results at [give location and phone number]. <i>Any member [or... if limited to charged/charging parties, so state] wishing to be present for this process must notify, in writing, the Referendum Vote Committee, no later than [usually five (5) days before tallying date].</i>
THE REFERENDUM VOTE COMMITTEE OF THE [LOCAL / STATE NAME] MAY MODIFY OR CHANGE ANY DATES AND/OR ADOPT ADDITIONAL RULES TO FACILITATE THIS SPECIAL REFERENDUM VOTE.	

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SAMPLE REFERENDUM VOTE BALLOT

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 5 OF 12

**[LOCAL OR STATE NAME]
OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO
SPECIAL REFERENDUM VOTE OFFICIAL BALLOT**

Consistent with Article 15 of the APWU National Constitution and Bylaws, this referendum has been prepared. You are to vote “YES” or “NO” on whether you agree with the “penalty” in Case Number _____ which reads:

**[restate the “penalty” in its entirety as adopted
at the _____ membership meeting]**

Please mark an (X) in the space preceding your choice. Only vote for ONE (1) selection. If there is more than one (1) vote made on the ballot, the ballot will be voided.

___ **YES: I VOTE IN FAVOR TO IMPOSE THE PENALTY.**
___ **NO: I VOTE AGAINST IMPOSING THE PENALTY.**

IN ORDER FOR YOUR VOTE TO BE COUNTED, ALL BALLOTS MUST BE RETURNED TO **P.O. BOX ???, CITY, STATE ZIP CODE [OR...BALLOTING ASSOCIATION ADDRESS]** AS PROVIDED ON THE RETURN BALLOT ENVELOPE, NO LATER THAN **TIME A.M. OR P.M. ON DATE. MONTH. DAY. YEAR.**

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SAMPLE REFERENDUM VOTE BALLOT INSTRUCTIONS

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 6 OF 12

[LOCAL OR STATE NAME] OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO

BALLOT INSTRUCTIONS

1. All members of the [Local or State name] of the American Postal Workers Union, AFL-CIO who are members as of **[put day and date]**, are eligible to receive a ballot for this special referendum vote..
2. The ballots will be mailed to each member in good standing by the Referendum Vote Committee of the [Local or State name] on **[put day and date]**.
3. **MARK AN “☒”, AN “☑”, OR FILL IN THE BOX “■” NEXT TO YOUR CHOICE. PLACE YOUR COMPLETED BALLOT IN THE “SECRET BALLOT” ENVELOPE, THEN SEAL AND INSERT THE SECRET BALLOT ENVELOPE IN THE SELF-ADDRESSED, SELF-STAMPED RETURN ENVELOPE. ALSO, YOU NEED TO SIGN, WHERE INDICATED ON THE RETURN ENVELOPE PRIOR TO MAILING.**
4. Do NOT put your name, initials, or any other identifying information on the ballot or the secret ballot envelope. Ballots containing any identifying information will be voided.
5. The ballots, to be valid, must be mailed by the member so as to arrive in the designated [Box or address], no later than [time] on [day and date] at which time the Referendum Vote Committee will take custody of the ballots. Only the **returned ballots** will be tallied immediately upon return from the Post Office at the [give location and full address] by the Referendum Vote Committee. **THE CHARGED AND CHARGING PARTY(IES)** [THE REFERENDUM VOTE COMMITTEE MAY CHOOSE TO ALLOW MEMBERS TO BE PRESENT, IF ROOM SIZE PERMITS] **MAY OBSERVE THE PICKING UP AND COUNTING OF THE RETURNED BALLOTS BY PROVIDING YOUR NAME TO THE REFERENDUM VOTE COMMITTEE BY [GIVE DAY AND DATE].**
6. **Write-in votes shall not be valid, counted or considered.**
7. If the membership votes to adopt the “penalty”, the effective date of implementation will be [give day and date]. [Also, if there are more details to provide relating to the “penalty”, please specify here.]
8. [GIVE DAY & DATE] -- Any member in good standing who has not received a ballot by **[give day and date]** should either personally notify or call [give name], Chairperson of the Local Referendum Vote Committee at **(area code) and number(s)**. Please provide your name, SSN, address, and division (craft). Duplicate ballots will be mailed out through **[give day and date]**. [If your name does not appear on the DCO, you may be required to show proof of membership.]

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**SAMPLE REFERENDUM VOTE
BALLOT MAILING INSTRUCTIONS**

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 7 OF 12

FOR ENVELOPES...

MAILING TO MEMBER THE BALLOT, USE A #10 WINDOW ENVELOPE OR WHATEVER SIZE NEEDED, SAYING:

Upper Left-Hand Side, put:

**REFERENDUM VOTE
Local or State Name, APWU
Address [or Post Office Box]
City, State Zip Code**

FOR BALLOT RETURN ENVELOPE, USE A #9 REGULAR ENVELOPE, SAYING:

BALLOT RETURN

**REFERENDUM
Local or State Name, APWU
P. O. Box [or ... outside balloting association's address]
City, State Zip Code**

And... on back side, put:

FROM: ***

**PLEASE DO NOT REMOVE OR OBLITERATE
LABEL, HOWEVER, CROSS THROUGH IT
LIGHTLY WITH AN "X".**

***Leave space for placing the label here.

ALSO, ADD ONE "7-1/2" ENVELOPE FOR SEALING THE BALLOT, SAYING:

**SECRET BALLOT ENVELOPE
DO NOT PUT YOUR NAME OR
ANY IDENTIFICATION ON THIS ENVELOPE.**

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**SAMPLE REFERENDUM VOTE COMMITTEE
BALLOT PROCESSING**

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 8 OF 12

BALLOT PROCESSING SYSTEM

(This system is to be adjusted to your committee size.)

- PERSON 1: Call Name from DCO List
- PERSON 2: Put labels on the front and slightly to the right in middle of envelope
on #10 Mailing Out Envelope and on the back of #9 return ballot
envelope
- PERSON 3: Put #9 Envelope with Name on it, Secret Ballot Envelope and
Ballot Instructions in #10 Envelope with Name on it
- PERSON 4: Put ballot and 1,000 word statements from both sides in envelope
- PERSON 5: Check name off on DCO List
- PERSON 6: Seal Envelope and keep count

Put total number of each bundle and rubber band that group.

TOTAL BALLOTS PREPARED: _____

When you take the sealed ballots to the Postal Service, you need to receive a statement verifying the number of ballots mailed and the date and time the ballots were received at the Post Office. This document is to be retained with the records of this process.

All Referendum Vote Committee and Observers need to sign the Sign-In Sheet.

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SAMPLE REPORT BY REFERENDUM VOTE COMMITTEE

Local Case Number : _____

Charge # _____

REFERENDUM VOTE COMMITTEE WORKSHEET – PAGE 11 OF 12

Date: _____

PLEASE POST

TO: APWU MEMBERS OF THE [LOCAL OR STATE NAME] OF THE APWU

The following are the official results of the special referendum vote conducted on whether or not the “penalty” is to be imposed as adopted by the membership at its [give date] meeting relating to the charges filed against [give name], assigned Local Case Number _____:

_____	Ballots Mailed Out on [give date]
_____	Duplicate Ballots Requested
_____	Returned Ballots Received
_____	Ballots Voided
_____	YES Votes for imposing the “penalty”
_____	NO Votes for NOT imposing the “penalty”

USE WHICHEVER IS APPLICABLE.....

Based on the vote taken, this letter confirms that the “penalty” will NOT be imposed against the charged party(ies).

OR....

Based on the vote taken, this letter confirms that the “penalty” of [specify exact penalty and effective date or on how penalty will be imposed] against the charged party(ies).

Sincerely submitted,

Referendum Vote Committee’s Signatures and Printed Names

THIS NOTICE IS TO BE POSTED ON ALL OFFICIAL APWU BULLETIN BOARDS BY THE ADMINISTERING OFFICER.

IN ADDITION, THIS NOTICE IS TO BE SENT TO THE CHARGED AND CHARGING PARTIES BY CERTIFIED MAIL WITH A RETURN RECEIPT BY THE ADMINISTERING OFFICE. REFER TO THE FOLLOWING LETTER WITH THEIR APPEAL RIGHTS.

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SAMPLE LETTER FROM REFERENDUM VOTE COMMITTEE'S NOTIFICATION OF RESULTS	
THIS LETTER IS TO BE SENT WITH SPECIAL REFERENDUM VOTE COMMITTEE'S REPORT.	
Date of Letter	[USE LOCAL OR STATE LETTERHEAD FOR CORRESPONDENCE]
(Sent Certified Mail [add number] – Return Receipt) – If hand-delivered, request individual to sign a receipt of accepting the letter	
Filing Charge's Name Address City, State, Zip Code	Charged Member's Name Address City, State, Zip Code
RE: Local Case Number _____	
Dear Brother or Sister [Last Names]:	
Enclosed is a copy of the Referendum Vote Committee's Tallying Report relating to the special referendum vote conducted in this Local, on the charges filed by [give names and titles, if applicable] against [give names and titles, if applicable].	
Based on the vote taken, this letter confirms that the decision of "guilty" stands, however, no penalty will be imposed against the charging party(ies). OR.... Based on the vote taken, this letter confirms that the "penalty" of [specify exact penalty and effective date or on how penalty will be imposed] against the charging party(ies).	
You have the right to appeal this decision within thirty (30) days of receipt of this letter as provided by Article 15, Section 4(f) of the APWU National Constitution and Bylaws since the special referendum vote is now completed. Your appeal is to be sent to National Secretary-Treasurer, American Postal Workers Union, AFL-CIO, 1300 L Street, NW, Washington, DC 20005.	
Yours in Union Solidarity,	
Administering Officer Signature and type name and title	
Enclosures:	
CC: Executive Board [Hearing Officer or Trial Board] Referendum Vote Committee	

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