

COMMITTEE OF INVESTIGATION GUIDELINES AND PROCEDURES MANUAL



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DO and DON'T

DO

1. Do file charges on disciplinary matters.
2. Do specifically describe the alleged misconduct.
3. Do complete the investigation and dismiss or prefer the charges and issue a report within 120 days of the filing of the charges.
4. Do send the charges by certified mail.
5. Do select members for the committee who do not include: the charged party, the charging party, any member of the trial committee, any Executive Board member, or anyone directly or indirectly involved in the matter.
6. After the committee of investigation prefers the charges, do select all members of the Executive Board (minus involved members) to serve as a trial committee *or* elect a trial committee at the next regular membership meeting *or* at a special meeting at least five days later.
7. Do send the notice of trial to the charged party by certified mail at least two weeks before the trial.

DON'T

1. Don't file charges on conduct related to elections (complaints about which must be filed as election protests).
2. Don't file charges by just using the list in Article XXIII, Section 2 of the AFGE National Constitution (the conduct must be specified in detail).
3. Don't ignore time limits (such as those set forth in #3, #6, and #7 above or the requirement for a prompt trial – within 180 days of the preferring of the charges).
4. Don't have any member of the Executive Board on the committee of investigation.
5. Don't send charges and notices by regular mail (always send notice of trial by certified mail).
6. Don't use the same people to both investigate and adjudicate the case (no member may be on both the committee of investigation and the trial committee).
7. Don't disclose witnesses' names or information obtained during the investigative stage (which should be confidential until trial, except information and names set out in the notice of charges).

INTRODUCTION

You have been appointed to a committee of investigation, by your own local, council, or by AFGE's National President. The Federation recognizes the seriousness of this process, and has developed this guide to help you. This guide explains AFGE's disciplinary procedures, the operation of the committee, and your responsibilities as a member of the committee. Through the use of this guide we believe you will be able

to conduct the investigation with fairness, consistency, and justice, dismissing the charges when warranted and preferring charges when necessary. We thank you for the time and the work you will be committing to this process.



THE DISCIPLINARY PROCESS

Article XXIII of the AFGE National Constitution sets out the procedures for filing and processing disciplinary charges within a local or council. Disciplinary actions should be undertaken only as a last resort, and only after the concerned members have made an honest effort to resolve their differences in other ways, such as by conflict resolution, by mediation through an outside party, or with the assistance of the District Office. When other means have failed, this manual is designed to assist in the opening steps of this process.

Article XXIII disciplinary procedures are applicable to elective officers and to members, not to those holding appointive offices. If the constitution/bylaws provide that the office is appointive rather than elective, then the authority to appoint is the authority to remove, and Article XXIII does not apply.

The disciplinary process begins when a member files charges against another member or an officer of his/her local. The member bringing the charge must file with the local where the accused/charged party holds membership or the council of which the accused is an officer. The president of that local (or council) will then appoint the members of the committee of investigation. However, if the charges are against the president (or if the president brings the charges or is otherwise directly involved in the circumstances giving rise to the charges), then a majority of the local's Executive Board appoints the committee members. If the charges are against a member of the Executive Board, that Executive Board member may not vote in the selection of the committee. The charging party, the charged party, members of the Executive Board, and any person directly or indirectly involved in the circumstances may not be a member of the committee. If the charges are against the entire Executive Board, then the National Vice President who has jurisdiction over that local may investigate the charges and, if finding probable cause, may prefer the charges. Finally, under the authority of Article IX, Section 5(d) or 5(e) of the AFGE National Constitution, the National President may appoint a committee when, based

upon a showing made by either the charging or the charged party, **and a recommendation of the NVP**, he determines that the conditions within a local are such that it cannot conduct a fair and impartial investigation.

If the committee of investigation finds sufficient evidence to support the charges, it prefers charges against the accused, and the union body establishes a trial committee. **Neither the committee of investigation nor the trial committee can include the complainant(s) or the charged party, or members of the other committee, and each committee must be otherwise impartial. The committee of investigation cannot include any member of the Executive Board.** The trial committee then conducts a trial of the charged party, and if it finds the accused guilty of any of the charges, it presents its findings to the union membership for a vote. If the membership votes for an adverse action against the disciplined member, the disciplined member may appeal to the National Executive Council. If the NEC does not overturn the action of the membership, the disciplined member may appeal further to the next AFGE National Convention.

WHAT A CHARGE IS AND WHO CAN BRING IT

Under the AFGE National Constitution (Article XXIII), any member may bring charges against a fellow member or officer. However, members should undertake charges against members or officers of the union at any level of the organization only as a serious and deliberate act for the purpose of righting willful misconduct or gross negligence.

No particular words are necessary in expressing any particular charge, but the member must state the allegation and its relationship to any specified offense so that a committee of investigation reasonably may understand the words as used in their ordinary meaning. The committee will not infer charges from mere

conclusions or allegations of wrongdoing which of themselves do not state the essence of a triable offense. The list of trial offenses is set forth at Article XXIII, Section 2 (Attachment A).

Charges against officers must relate directly to the official duties and responsibilities of the position of the officer in his/her capacity as an official of AFGE. The charges must contain allegations of fact which, if true, constitute acts or omissions of a serious nature that exceed or are contrary to the authority of the officer. **Acts or omissions which fall within the area of judgment and discretion in the performance of official duties cannot constitute a legal basis for triable charges**, unless the officer undertakes those acts or omissions with such recklessness and disregard of authority as to constitute a clear abuse of discretion.

Additionally, non-criminal acts or omissions of officers or members which take place during an election campaign are not actionable (cannot be brought) as disciplinary offenses. Therefore, if it is believed that a non-criminal constitutional offense has taken place during an election campaign, the sole mechanism for redress is an election appeal. Violations of either the AFGE Rules of Conduct for an Election (Appendix A of the AFGE National Constitution) or constitutional provisions governing elections are only considered in the context of election protests and appeals pursuant to Appendix A, Part III, rather than Article XXIII.

Charges against national officers are processed in accordance with Article XIII, Section 7 of the AFGE National Constitution.

ROLE OF THE COMMITTEE

The committee of investigation is a fact-finding body charged with the responsibility to elicit and review evidence relevant to the written charges. It conducts oral interviews and reviews sworn written statements, records, minutes, documents, reports, and all related evidence in the course of the investigation. It determines whether there is probable cause that the charged party committed an offense. **Probable cause**

means some credible evidence to support the charges against the charged party. Constitutional offenses are listed in Article XXIII, Section 2 of the AFGE National Constitution (see Attachment B). The committee shall investigate the actual charges as filed, and may not go beyond the scope of those charges. That is, it cannot go on a "fishing expedition" to find new improprieties not included in the charges as filed.

HOW TO CONDUCT AN INVESTIGATION

The committee may investigate the charges by initially interviewing orally or in writing each complainant, each charged party **if appropriate**, and such other persons as it deems necessary to determine if good and sufficient grounds exist for finding probable cause on each charge. The committee may inform the charged parties of the charges against them, if appropriate, and advise that the committee will seek interviews with them at the proper time. The committee has wide discretion in scheduling witnesses for interviews and in reviewing material. Obviously, the committee should schedule the complainants first so they may clarify their charges and present supporting evidence. In turn, the committee usually should provide an opportunity for each of the charged parties to provide evidence to refute the charges. In this regard, the committee's role is one of fact-finding, and no party has a right to representation during the investigation. At the same time, the committee should not take the refusal of a charged party to appear or to produce documents as an admission of guilt. The committee should include with its report a recording or transcript of the testimony of each witness, for the use of any subsequent trial committee and prosecutor.

If the committee finds probable cause, it then should attempt to settle the matter informally. That is, it tries to reach a written settlement with the charged party, in which the charged party agrees to take actions that satisfy the committee in exchange for its dropping the charges. This may include changes in conduct, resignation from office, restitution to the local, or even resignation from membership. If the

parties settle the matter, then the disciplinary process ends there. Of course, failure on the part of the charged party to abide by the agreement would be a basis for new charges.

Especially in investigations involving alleged financial mismanagement, it is vital that the committee of investigation obtain all bank and credit union records, the minutes of all regular and Executive Board meetings, and the annual budget, in order to determine whether, and to what extent, evidence exists in support of the allegations.

Department of Labor Standards of Conduct Regulations, incorporating by reference the Labor-Management Reporting and Disclosure Act of 1959, are clear on the fiduciary responsibility of officers of labor organizations. If the committee of investigation determines that there has been a theft or similar criminal conduct, the committee must report the information in writing to the nearest field office of the Office of Labor-Management Standards, U.S. Department of Labor; to the National Vice President of the District within which the local belongs; and to AFGE's Office of the General Counsel.

Those who contemplate bringing charges, as well as those who serve on a committee investigating the charges, should bear in mind that all members have certain statutory and regulatory rights, including rights of free speech and dissent. The mere exercise of the right to dissent cannot be the basis of charges.

While the investigation is ongoing, the committee should not reply to any questions about its findings or how the investigation is proceeding. If the committee itself has questions regarding any aspect of its investigation, it may contact AFGE's Office of the General Counsel. If the committee makes a finding of probable cause on any charge, the committee shall seek, if warranted, any proposed informal settlement.

Finally, if finding probable cause, the committee should prepare a report for the trial committee and prosecutor, outlining the evi-

dence and testimony of witnesses and the relationship of each to the specific charge(s).

TIME FRAME FOR INVESTIGATION

By constitutional mandate, the local or council committee of investigation shall complete the investigation within 120 days of the filing of the charges. Only extraordinary circumstances justify an exception to this time limit, such as when the charged party challenges the composition of the investigation committee, and a new committee is selected with a new deadline. If the investigation is not completed within 120 days of the filing of charges, under Article XXIII, Section 3, the charging party should contact the National Vice President, because the local or council committee of investigation loses jurisdiction on the 121st day.

The deadlines set forth in Article XXIII apply to local and council committees of investigation and trial committees. They do not apply to independent committees appointed by the National President under Article IX, Section 5.

RIGHTS OF THE ACCUSED/CHARGED PARTY

The accused/charged party has the right, during the conduct of the investigation, to a copy of the charges being investigated (but the committee has it within its discretion to sanitize the name of the charging party). After the investigation ends, if the committee of investigation prefers charges, the accused has the right to, and must receive, a copy of those charges as well. The charges must be sufficiently specific to allow a defense. The charged party has the right to a minimum of two weeks from the mailing of the preferred charges to the beginning of the trial.

The charged party does not have the right to a copy of any other information gathered by the committee during the course of the investigation, particularly a list of witnesses and their statements, because such information often is confidential, and because the committee often does not rely upon it. Of course, the accused will receive at the trial a copy of any documentation,

such as witness statements, introduced at the trial to support the charges. In addition, if a witness testifies, the charged party has a right to

receive and review in advance a copy of all of the witness' previous statements.



WHAT A COMMITTEE DOES WITH ITS FINDINGS

1. FINDING PROBABLE CAUSE

(a) COMMITTEE OF INVESTIGATION CONSTITUTED BY A LOCAL:

When the local has constituted the committee, and the committee has not been able to settle the matter informally, the committee shall serve the charges upon the accused, in writing, **by registered or certified mail** to the charged party's last known address, and the committee also shall serve the local at its office or address of its highest ranking officer. Such charges shall contain an allegation of the facts describing the nature of the offenses charged. **It is then the responsibility of the local to conduct a trial pursuant to Article XXIII, Section 4 of the AFGE National Constitution.**

(b) COMMITTEE OF INVESTIGATION APPOINTED BY THE NATIONAL PRESIDENT:

When the National President appoints the committee, the committee shall refer to the Office of the General Counsel its investigative file, including all relevant evidence, its detailed factual finding of whether probable cause exists on each charge, and any proposed settlements. The General Counsel will review the findings of the committee and all supporting documents. The General Counsel then will advise the National President as to whether legally sufficient grounds exist for a finding of probable cause on each charge, as to the legal sufficiency of any proposed settlement agreement, and as to the need for a trial.

After a finding of probable cause, it is not uncommon, when the matter goes to trial, that a member of the committee of investigation is

called upon to prosecute the charges against the accused at trial.

2. FINDING NO PROBABLE CAUSE

(a) COMMITTEE OF INVESTIGATION CONSTITUTED BY A LOCAL:

When the committee of investigation does not find probable cause, it dismisses the charges with notice to the charged party's last known address, and the committee also serves the local Executive Board and the charging party.

(b) COMMITTEE OF INVESTIGATION APPOINTED BY THE NATIONAL PRESIDENT:

When the committee of investigation does not find probable cause, the committee shall refer to the Office of the General Counsel its investigative file, including all relevant evidence, and its detailed factual finding regarding probable cause. The National President will dismiss the charges with notice to the charged party's last known address, and also serves the local at its office or address of its highest ranking officer and the charging party.

A committee of investigation's finding of no probable cause or a trial committee's decision exonerating the charged party shall not be subject to local or council approval, there is no further internal appeal available to the charging party, and the finding is not subject to any further action within the local, council, or the Federation.



ATTACHMENTS
ATTACHMENT A
SAMPLE CERTIFIED LETTERS OF CHARGES

**COMMITTEE OF INVESTIGATION
CONSTITUTED BY A LOCAL:
THIS IS ONLY A SAMPLE:**

Pursuant to our authority under Article XXIII, Sections 1-3 of the AFGE National Constitution, the AFGE Local ____ Committee of Investigation hereby serves you with this notice of a charge. We have found probable cause to believe that you have committed the act described below, and request that you meet with the committee to settle the matter informally.

[Specifically, as President of AFGE Local ____, you allegedly signed and mailed to the membership of Local ____ a notice of a special meeting to be held on ____ to vote to secede from the Federation and to join another union.]

In the event that we cannot settle the matter with you informally, we will prefer this charge against you for conduct detrimental and inimical to the best interests of the Federation and constituting offenses against the Federation, as set forth at Article XXIII, Section 2([a): Advocating, encouraging or attempting to bring about a secession from the Federation of any local or of any member or group of members.]

In that event, Local ____ will select a trial committee that will notify you of the time, date, and place of your trial. All of the due process provisions of Article XXIII will govern the trial before the trial committee, including your right to choose a representative (except a member of the trial committee, or a member of the Executive Board when it is acting as a trial board, or a representative of another labor organization).

**COMMITTEE OF INVESTIGATION APPOINTED
BY THE NATIONAL PRESIDENT:
THIS IS ONLY A SAMPLE:**

Pursuant to our authority under Article IX, Section 5(e), and Article XXIII, Sections 1-3 of the AFGE National Constitution, as an independent committee of investigation, we hereby serve you with this notice of charges. We have found probable cause to believe that you have committed the acts described below, and request that you meet with the committee to settle the matter informally.

[Specifically, as Treasurer of AFGE Local ____ for the period from ____, 20__ to ____, 20__:

1. You allegedly failed to document correctly, properly record, and otherwise account for operating, travel, per diem, and other expenses, for which approximately \$__,000 were disbursed, in violation of Article __, Section __ of the ____ NEC-approved Local Constitution and Bylaws.
2. You allegedly failed to obtain proper authorization by the Local's membership of disbursements in the amount of approximately \$__,000, in violation of Article VIII, Section 3 of the standard local constitution. In addition, you allegedly failed to obtain prior approval by the Local's membership for expenditures in excess of \$500 per month, in violation of Article XIX, Section 6(e) of the AFGE National Constitution.
3. Contrary to AFGE policy and your fiduciary responsibilities, you allegedly executed checks without the required co-signature of your President, in violation of AFGE's *Financial Officers Manual*.

4. You allegedly failed to file required LM-3 Reports with the Department of Labor for the years of 20__ and 20__.]

In the event that we cannot settle the matter with you informally, we will prefer these charges against you for conduct detrimental and inimical to the best interests of the Federation and constituting offenses against the Federation, as set forth at Article XXIII, Section 2(f-h):

- (f) Engaging in gross neglect of duty or conduct constituting misfeasance or malfeasance in office as an officer or representative of a local;
- (g) Incompetence, negligence or insubordination in the performance of official duties by officers or representatives of a local or

council or failure or refusal to perform duties validly assigned;

(h) Committing any act of fraud, embezzlement, mismanagement or appropriating to one's own use any money, property or thing of value belonging to the Federation or any affiliate;

In that event, Local ____ will select a trial committee that will notify you of the time, date, and place of your trial. All of the due process provisions of Article XXIII will govern the trial before the trial committee, including your right to choose a representative (except a member of the trial committee, or a member of the Executive Board when it is acting as a trial board, or a representative of another labor organization).



ATTACHMENT B **ARTICLE IX, SECTIONS 5(D) and 5(E);** **OF THE AFGE NATIONAL CONSTITUTION**

ARTICLE IX

SEC. 5(d). The National President shall be authorized to immediately suspend any officer of an affiliate for serious misconduct, including but not limited to incompetence, negligence, or refusal to perform duties validly assigned, or any other offense, as described in Article XXIII, Section 2, where in his or her judgment the continuance in office of such officer would be inimical to the best interests of the Federation and its members. At the time of the suspension, the National President shall serve upon the suspended officer by registered or certified mail a written notice of the suspension stating in detail the charges against the officer, and he or she shall also mail a copy of such notice and charges to the president or highest remaining ranking officers of the local. Such suspended local officer shall be tried by his or her local under the procedures established in Article XXIII. However, the National President, when he or she deems it in the best interest of the Federation, or in his or her opinion the local will not proceed promptly to trial, or cannot be expected to fairly or judiciously try the matter, may (1) appoint a trial committee or (2) select an

arbitrator under existing Federal Mediation and Conciliation Service or American Arbitration Association procedures, for the trial of the suspended officer. A suspended council officer will be tried by a trial committee composed of three members, one of whom shall be an arbitrator selected in accordance with Article XVI, Section 7, and of the others, who shall be appointed by the National President, one shall be a national council president. A suspended local officer shall be tried by a trial committee appointed by the National President, composed of at least three members or employees of the Federation. Such trials shall be conducted speedily but with reasonable time for the accused to prepare his or her defense. The procedures described in Article XXIII, Sections 5 and 6 governing the conduct of hearings by local trial bodies shall be followed by the trial committee to assure the accused a full and fair hearing in accordance with the basic requisites of due process. The trial committee shall render a decision suspending the accused for a specific time from his or her office, removing him or her from the office, barring him or her from holding any office for a specified time, and/or suspending for a specified period of time, or removing

him or her from membership, or finding him or her not guilty as accused. An officer suspended or removed from office and/or membership shall have the appeal right as set forth in Article XXIII, Section 9, after decision by the trial committee.

The suspension or removal of an officer shall operate only to suspend the right of such person to occupy any office or position, or perform any of the functions thereof, but all other membership rights of such officer shall remain unaffected unless and until the trial committee renders a decision affecting his or her membership rights.

SEC. 5(e). Where the National President determines that the conditions within a local or council are such that a fair and impartial investigation and trial of charges against a member cannot be conducted by the local or council under the provisions of Article XXIII, Section 3, then in that event the National President may appoint a committee of investigation and/or a trial committee, such committees to be composed of at least three members. In lieu of a trial

committee, the National President may select an arbitrator under existing Federal Mediation and Conciliation Service or American Arbitration Association procedures. In the case of a national council officer, the composition of the trial committee shall be consistent with Article XVI, Section 7. In no case will the committee of investigation and the trial committee be composed of the same members. All of the due process provisions in Sections 4, 5, and 6 of Article XXIII govern the trial before such trial committee. The findings and recommendations and decision of such trial committee shall be submitted to the National President. Within 15 days after the National President receives the transcript or minutes of the hearing and the findings and recommendation and decision of the committee, he or she shall render a written decision. The National President's decision may be appealed by the charged member to the NEC and to the National Convention in accordance with the procedures in Section 9 of Article XXIII.

ATTACHMENT C **ARTICLE XXIII, SECTIONS 2-3;** **OF THE AFGE NATIONAL CONSTITUTION**

ARTICLE XXIII

SECTION 2. Charges may be preferred for conduct detrimental or inimical to the best interests of the Federation. Offenses against this Federation include the following:

- (a) Advocating, encouraging or attempting to bring about a secession from the Federation of any local or of any member or group of members. Penalty for conviction under this sub-paragraph shall be expulsion.
- (b) Working in the interest of, or becoming a member of the Communist Party or any other organization which advocates the overthrow of the democratic form of government under which our members live.

Penalty for conviction under this sub-paragraph shall be expulsion.

- (c) Violation of any provision of this Constitution or the constitution and bylaws of the local to which a member belongs.
- (d) Making known the business of any affiliate of the Federation to management officials of any agency or other persons not entitled to such knowledge.
- (e) Engaging in conduct unbecoming a union member.
- (f) Engaging in gross neglect of duty or conduct constituting misfeasance or malfeasance in office as an officer or representative of a local.

- (g) Incompetence, negligence or insubordination in the performance of official duties by officers or representatives of a local or council or failure or refusal to perform duties validly assigned.
- (h) Committing any act of fraud, embezzlement, mismanagement, or appropriating to one's own use any money, property, or thing of value belonging to the Federation or any affiliate.
- (i) Refusing, failing or neglecting to deliver at specified periods or on demand, in accordance with this Constitution, or the constitution and bylaws of the local or council to which a member belongs, a full and accurate account of all monies, properties, books and records for examination and audit.
- (j) Assisting, counseling or aiding any member or officer of the Federation or any of its affiliates to commit any of the offenses herein set forth.

SEC. 3. Charges may be preferred by the National President, the NEC, the NVP having jurisdiction over the local of which the accused

is a member or by a committee of investigation of the local. Any member may bring charges by first filing them with the local of which the accused is a member, and the charges shall be investigated by a committee of investigation appointed by the local president or by the majority of the local Executive Board if the local president is being accused. If it is the local president who brings charges against a member, then the local Executive Board shall appoint a committee of investigation. If a member of the local Executive Board is the accused member, he or she may not vote in the selection of the committee of investigation. No member of the Executive Board may serve on the committee of investigation. The committee of investigation shall conduct and complete the investigation within 120 days of the filing of charges. If the committee of investigation finds probable cause and cannot settle the matter informally, it shall cause charges to be served upon the accused. Such charges shall be in writing and shall be served upon the accused by registered or certified mail at his or her last known address, and the local of which the accused is a member shall also be served at its office or address of its highest ranking officer. The charges shall contain an allegation of the facts describing the nature of the offenses charged.



ATTACHMENT D **STATUTES AND REGULATIONS**

29 U.S.C. § 411. Bill of rights; constitution and bylaws of labor organizations

(a)(1) Equal rights

Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

.....

(5) Safeguards against improper disciplinary action

No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

29 U.S.C. §501(a) Fiduciary Responsibility of Officers of Labor Organizations

The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolution of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and bylaws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

5 U.S.C. §7116 Unfair Labor Practices

(b) For the purpose of this chapter, it shall be an unfair labor practice for a labor organization--

- (1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;
- (2) to cause or attempt to cause an agency to discriminate against any employee in the exercise by the employee of any right under this chapter;
- (3) to coerce, discipline, fine, or attempt to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;
- (4) to discriminate against an employee with

regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition.

5 U.S.C. §7120 Standards of Conduct for Labor Organizations

The maintenance of democratic procedures and practices including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participate in the affairs of the organization, to receive fair and equal treatment under the governing rules of the organization, and to receive fair process in disciplinary proceedings.

29 CFR §458.2(a)(2)

Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments or opinions; and to express at meetings of the labor organization his views upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided*, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

29 CFR §458.37 Prohibition of certain discipline.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of the CSRA or FSA or this subchapter.

§ 458.38 Deprivation of rights under the CSRA or FSA by violence or threat of violence.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall use, conspire to use, or

threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of the CSRA or FSA or of this subchapter.



Notes: