

Local 1000 Board of Directors Meeting
Month XX, 2021

Agenda Item 2

**SUBJECT: Criteria and Procedures for Disciplinary Action
Policy File Amendments to Division 9.0.01**

**SUBMITTED BY: Ruth Kiker, DLC 787 President
Francina Stevenson, DLC 794 President**

RECOMMENDED ACTION:

Amend Policy File Division 9.0.01 as follows:

9.0.01 Criteria and Procedures for Disciplinary Action

1. Disciplinary action may be taken for the following reasons:

- (a) Filing disciplinary charges or using the disciplinary procedures against another member or members for the purpose of harassment of the member or members so charged;
- (b) Gross neglect of duty by a member holding an elected or appointed office or any other position in Local 1000;
- (c) Intentional breach of confidence in matters appropriately designated confidential;
- (d) Improper distribution or other misuse of material designed for use by or within Local 1000;
- (e) Violation of Local 1000 Bylaws or Policy File, or DLC, SBAC or BUNC Rules;
- (f) Taking an active part in promoting another organization which is undermining the objectives or the existence of Local 1000, which is seeking its decertification, or which directly competes with Local 1000 in the areas covered by the Ralph C. Dills Act (Govt. Code 3500 et seq.); or other collective bargaining laws under which Local 1000 has or is seeking represented members;
- (g) Unexcused absences from CSEA Board of Directors meetings by the President or Vice President/Secretary-Treasurer; Local 1000 Board of Directors meetings by members of the Board; committee meetings by committee members; or failure to participate in activities as assigned;
- (h) Taking a public position, in the name of Local 1000, that is contrary to the adopted policy of Local 1000 as determined by the Local 1000 Board of Directors or purporting to act on behalf of Local 1000, when not so authorized;

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- (i) Misuse of Local 1000 or DLC funds, equipment or supplies;
- (j) Intentional disrupting the orderly conduct of an official meeting;
- (k) Behavior which is determined by the hearing panel or officer to be of such a nature that it causes discredit to Local 1000;
- (l) Seeking or holding elective or appointive office in Local 1000, while currently holding elective or appointive office in another organization representing employees which is in competition with Local 1000;-~~or~~
- (m) Failing to carry out the duties of any office or position in Local 1000 with respect to representation of the members at the worksite;-
- (n) Distribution of member lists in any form, either those provided by Local 1000 or compiled by anyone else; or
- (o) Failure to cooperate with an investigation when charged per Division 9.0.05 of this policy.

2. Except as provided above, members retain the right of free speech and expression regarding Local 1000 matters, but may not claim or imply that they speak on behalf of Local 1000 or any of its constituent bodies unless authorized by the Local 1000 Board of Directors to do so.

BACKGROUND:

There seems to be confusion on what constitutes violating a member's right to confidentiality. This policy change will clarify that.

ESTIMATED COST/SAVINGS:

none

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**SUBJECT: Authority for Discipline
Policy File Amendments to Division 9.0.02**

**SUBMITTED BY: Jerome Washington, DLC 749 President
Kevin Healy, DCL 752 President**

RECOMMENDED ACTION:

Amend Policy File Division 9.0.02 as follows:

9.0.02 Authority for Discipline

(a) Local 1000 has exclusive responsibility over discipline of its members.

(1) Local 1000 may take the following actions in response to a disciplinary charge:

(i) Rejection of charges;

(ii) Reprimand;

(iii) Suspension from elected office within Local 1000;

(iv) Removal from elected office within Local 1000; or

(v) Other action Local 1000 deems appropriate.

(b) When a member files specific charges in writing on a Form HR1 against the Statewide President or any of the Statewide Vice Presidents, the Chair of the Board shall call an emergency meeting of the Board.

(1) In the emergency meeting, the Local 1000 Board of Directors shall designate a panel of five hearing officers from the existing Hearing Officer Panel.

(a) Said panel members shall abide by timeframes and other procedures per Division 9 of the policy file.

BACKGROUND:

It is a conflict of interest for the Statewide President to have jurisdiction over the appointment of a hearing officer or panel that may need to investigate charges against the Statewide President.

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ESTIMATED COST/SAVINGS:

none

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**SUBJECT: Hearing Officers Panel
 Policy File Amendments to Division 9.2.00**

**SUBMITTED BY: Robert Gilbert, DCL 721 President
 Kevin Healy, DLC 752 President**

RECOMMENDED ACTION:

Amend Policy File Division 9.2.00 as follows:

9.2.00 Hearing Officers Panel

(a) Hearing Officers Panel

This panel shall consist of at least 14 active members, at least two from each area office, with terms which begin upon appointment and end simultaneously with those of DLC and statewide officers following each regularly scheduled election. In making appointments, the ~~President~~ Board of Directors shall endeavor to have representation from the DLCs and the BUNCs. The panel shall be responsible for conducting investigations, and hearings and for making recommendations to the Local 1000 Board of Directors on matters referred to it pursuant to this policy.

(1) This panel functions under the guidance of a chair, appointed by the Board via simple-majority vote, who has such administrative authority as is necessary, including the authority to assign internal grievances and disciplinary actions to members of the panel.

(2) Panel members shall be trained upon appointment and approval prior to their first hearing. The training will be conducted by Local 1000 Legal staff pursuant to a program which includes, but is not limited to, the following:

- (i) Procedures for conducting hearings;
- (ii) Rules of evidence;
- (iii) Evaluation of evidence;
- (iv) Decision making;
- (v) Report preparation; and

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(vi) Presentation of findings and recommended decision to the Local 1000 Board of Directors.

(3) Panel members shall be given a copy of the Local 1000 Hearing Officers Manual.

(4) Panel members will not be members of the Board of Directors.

BACKGROUND:

This policy file change will allow a system of checks and balances in appointing member-leaders to be members of the Hearing Panel.

ESTIMATED COST/SAVINGS:

none