

**Resolution No. 10**

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

**Re: Notice of Charges**

1           WHEREAS, Article XVI, Section 3 of the IAFF  
2           Constitution and By-Laws provides the process for  
3           providing notice of charges against any officer or  
4           member of a local union or other subordinate  
5           organization of the Association; and

6           WHEREAS, Article XVI, Section 3 of the IAFF  
7           Constitution and By-Laws provides that notice of  
8           charges against any officer or member of a local  
9           union or other subordinate organization of this  
10          Association shall be sent by the officer or member  
11          preferring the charges by mail or by email to the  
12          local union, association, or joint council with which  
13          the accused is affiliated, and a copy sent by a  
14          trackable or traceable delivery method to the  
15          accused; and

16          WHEREAS, Article XVI, Section 3 of the IAFF  
17          Constitution and By-Laws provides that notice of  
18          charges against any officer or member of a local  
19          union or other subordinate organization of this  
20          Association shall also be contemporaneously filed,  
21          using the same manner as outlined above, upon the  
22          General President's office, as well as upon the Vice  
23          President for the District or Districts encompassing  
24          the local, association or joint council of each of the  
25          parties to the case and such notice shall also be  
26          provided to the state or provincial association, to the

27 extent that any of the parties to the charges are  
28 members of locals belonging to the state or  
29 provincial association; and

30 WHEREAS, the manner for effectuating the  
31 notice of charges against any officer or member of a  
32 local union or other subordinate organization of this  
33 Association to be provided to the General President's  
34 office; the Vice President for the District or Districts  
35 encompassing the local, association or joint council  
36 of each of the parties to the case; and to the state or  
37 provincial association, to the extent that any of the  
38 parties to the charges are members of locals  
39 belonging to the state or provincial association is not  
40 defined in Article XVI, Section 3 of the IAFF  
41 Constitution and By-Laws other than by stating  
42 "using the same manner as outlined above," which  
43 could be by mail or email or by trackable or traceable  
44 delivery method; and

45 WHEREAS, it is intent of the IAFF to make the  
46 filing of charges as easy and economical as possible  
47 while guaranteeing that all interested parties and  
48 individuals are provided with notice of charges; and

49 WHEREAS, it is intent of the IAFF to make the  
50 process of providing notice of charges as clear as  
51 possible; therefore be it

52 RESOLVED, That Article XVI, Section 3 of the  
53 IAFF Constitution and By-Laws be amended as  
54 follows:

55 "Section 3. Notice of Charges Against Officers or  
56 Members of Local Unions, State or Provincial  
57 Associations or Joint Councils.

58 Notice of charges against any officer or member  
59 of a local union or other subordinate organization  
60 of this Association shall be sent by the officer or  
61 member preferring the charges by mail or by  
62 email to the local union, association, or joint  
63 council with which the accused is affiliated, and a  
64 copy sent by a trackable or traceable delivery  
65 method to the accused. Upon request of the party  
66 preferring the charges, the Vice President of the  
67 District concerned or his/her designee, not to  
68 include the person preferring the charges, shall  
69 serve the charge by hand-delivery on the accused  
70 and must testify to the date, time and location of  
71 the service before the local trial board convened  
72 to hear the charges.

73 Notice of charges shall also be  
74 contemporaneously filed, by mail or by email,  
75 upon the General President's office, as well as  
76 upon the Vice President for the District or  
77 Districts encompassing the local, association, or  
78 joint council of each of the parties to the case.  
79 Such notice shall also be provided by mail or by  
80 email to the state or provincial association, to the  
81 extent that any of the parties to the charges are  
82 members of locals belonging to the state or  
83 provincial association. Failure to accomplish such  
84 notice shall be grounds for dismissal of the  
85 charges.

Submitted by: IAFF Executive Board

Cost Estimate: **None**

Annual or Perpetual Designation: N/A

**COMMITTEE RECOMMENDATION: Adopt**

**CONVENTION ACTION: Adopted**