

Resolution No. 17

COMMITTEE ASSIGNMENT: Constitution & By-Laws

**Re: Amending Article XVII, Sections 1 and 2 –
TRIALS**

1 WHEREAS, the Constitution & By-Laws of the
2 International Association of Fire Fighters establish
3 procedures governing trials of members and officers
4 of the Association; and

5 WHEREAS, clarity, consistency, and uniformity
6 in trial procedures are essential to ensure fairness and
7 due process for all parties; and

8 WHEREAS, recent experience convening
9 International Trial Boards has demonstrated that the
10 Association would benefit from greater clarity and
11 consistency between procedures governing Local
12 Trial Boards and International Trial Boards; and

13 WHEREAS, aligning the structure, terminology,
14 and procedures governing Trial Boards will promote
15 efficiency and reduce confusion in the administration
16 of disciplinary matters; and

17 WHEREAS, incorporating the role of the Pre-
18 Trial Review Board (“PTRB”) into the trial timeline
19 ensures that only charges properly reviewed proceed
20 to trial; and

21 WHEREAS, standardizing the selection and
22 operation of Trial Boards, while preserving necessary
23 distinctions between subordinate union trials and
24 trials involving International officers, will strengthen
25 confidence in the Association’s disciplinary process;

26 therefore be it

27 RESOLVED, That Article XVII, Sections 1 and 2
28 of the Constitution & By-Laws be amended to read
29 as follows, replacing the existing Sections in their
30 entirety:

31 “Section 1. Trials of Officers or Members of
32 Local or Other Subordinate Unions

33 Where a Pre-Trial Review Board (“PTRB”)
34 determines that a charge should proceed to trial
35 pursuant to Article XVI, Section 5, the charged
36 party shall be tried within one hundred twenty
37 (120) days of that determination. The Appointing
38 Officer may extend this period for cause for up to
39 sixty (60) days.

40 The District Vice President of the district in which
41 the charges arose shall serve as the Appointing
42 Officer. If that District Vice President is directly
43 or indirectly involved in the conduct giving rise to
44 the charges, or is unable or unwilling to act within
45 a reasonable time, the General President shall
46 designate another District Vice President to serve
47 as Appointing Officer.

48 The Trial Board shall be selected as follows: the
49 Appointing Officer shall obtain from the General
50 Secretary-Treasurer’s Office a randomly
51 generated list of seven (7) members in good
52 standing of the subordinate union in which the
53 charges arose and provide it to the charging party.
54 The charging party shall strike two (2) names
55 within seven (7) days, after which the remaining
56 five (5) names shall be submitted to the charged

57 party, who shall strike two (2) names within
58 seven (7) days. The remaining three (3) members
59 shall constitute the Trial Board. If a party fails to
60 act within the required time, the Appointing
61 Officer shall strike the necessary names by lot.
62 If the Appointing Officer determines that
63 members of the subordinate union are so directly
64 or indirectly involved as parties, witnesses, or
65 otherwise that it would be inappropriate to draw
66 the Trial Board from that subordinate union, or if
67 a sufficient number of members refuse to serve,
68 the Appointing Officer shall provide the General
69 Secretary-Treasurer's Office with a list of three
70 (3) to seven (7) neighboring subordinate unions.
71 The General Secretary-Treasurer's Office shall =
72 randomly select one of those subordinate unions,
73 and the Appointing Officer shall obtain a
74 randomly generated list of seven (7) members in
75 good standing from that subordinate union. The
76 selection process shall then proceed as set forth
77 above.

78 The decision of a Trial Board composed of
79 members of a neighboring subordinate union shall
80 be deemed the decision of the subordinate union
81 in which the charges arose, and the reasonable
82 costs thereof shall be borne by that subordinate
83 union.

84 Where there is more than one charging or charged
85 party, the parties shall attempt to agree on the
86 exercise of strikes. In the absence of agreement
87 within the required time, the Appointing Officer

88 shall make the strikes by lot.
89 If charges are preferred by or against an
90 International officer in connection with conduct
91 involving a subordinate union, the Trial Board
92 shall be selected and the trial conducted in
93 accordance with this Section unless otherwise
94 required by Section 2.
95 The General President, at the request of any party
96 or of the subordinate union responsible for
97 conducting the trial, may appoint representatives
98 to preside over and assist the Trial Board by
99 ruling on procedural matters, but such
100 representatives shall not participate in
101 deliberations or decision on the merits. The costs
102 of such representatives shall be borne as
103 determined by the General President.
104 No proceeding, finding, or decision of a Trial
105 Board shall be invalidated for technical errors or
106 irregularities in the selection of the Trial Board or
107 conduct of the proceeding that do not materially
108 affect the fairness of the trial.
109 Section 2. Trials Before an International Trial
110 Board
111 Where a Pre-Trial Review Board (“PTRB”)
112 determines that a charge should proceed to trial
113 pursuant to Article XVI, Section 5 and the charges
114 are by or against an International officer of the
115 Association, the charged party shall be tried
116 within one hundred twenty (120) days of that
117 determination before an International Trial Board.
118 The General President shall serve as the

119 Appointing Officer unless directly or indirectly
120 involved in the conduct giving rise to the charges,
121 in which case the General Secretary-Treasurer
122 shall serve as the Appointing Officer. If both are
123 so involved, the remaining members of the
124 Executive Board not so involved shall designate a
125 District Vice President to serve as the Appointing
126 Officer.

127 The Appointing Officer shall provide the charged
128 party with a list of seven (7) members of the
129 Executive Board eligible to serve. The charged
130 party shall strike four (4) names within seven (7)
131 days. The remaining three (3) members shall
132 constitute the International Trial Board. If the
133 charged party fails to act within the required time,
134 the Appointing Officer shall designate the
135 members of the International Trial Board.

136 If charges are of such a nature as to require
137 immediate action to safeguard the interests of the
138 Association, including but not limited to charges
139 involving larceny, embezzlement, or unlawful
140 conversion of Association funds or property, the
141 International Trial Board shall refer the matter to
142 the Executive Board. If a majority of the
143 Executive Board (excluding any disqualified
144 members) determines that the charges are not
145 frivolous and warrant immediate action, it may
146 suspend the accused from duties pending
147 completion of the trial. Any vacancy created shall
148 be filled temporarily in accordance with Article
149 V.

150 If the accused is acquitted, the officer shall be
151 immediately reinstated.
152 No proceeding, finding, or decision of an
153 International Trial Board shall be invalidated for
154 technical errors or irregularities in the selection of
155 of the Trial Board or conduct of the proceeding
156 that do not materially affect the fairness of the
157 trial.”

Submitted by: IAFF Executive Board

Cost Estimate: **None**

Annual or Perpetual Designation: **N/A**

COMMITTEE RECOMMENDATION:

CONVENTION ACTION: