

Resolution No. 18

COMMITTEE ASSIGNMENT: Constitution & By-Laws

**Re: Amending Article XVII, Section 3 –
Disqualification and Replacement of Members of a
Trial Board**

1 WHEREAS, the Constitution & By-Laws of the
2 International Association of Fire Fighters establish
3 procedures governing the selection and service of
4 Trial Boards; and

5 WHEREAS, it is essential that members serving
6 on Trial Boards be impartial and free from direct or
7 indirect involvement in the matters being
8 adjudicated; and

9 WHEREAS, the current procedures governing
10 disqualification and replacement of Trial Board
11 members would benefit from clarification and
12 alignment with other trial procedures set forth in
13 Article XVII; and

14 WHEREAS, appointing officers may encounter
15 difficulty constituting a Trial Board from within the
16 jurisdiction where the alleged misconduct occurred
17 due to the limited availability of members able and
18 willing to serve; and

19 WHEREAS, establishing a Supplemental Trial
20 Board Pool will provide a fail-safe mechanism to
21 ensure that Trial Boards can be constituted and that
22 charged parties receive a timely trial; and

23 WHEREAS, establishing a clear, uniform process
24 for replacement of Trial Board members will

25 promote fairness, efficiency, and consistency in the
26 administration of justice within the Association;
27 therefore be it

28 RESOLVED, That Article XVII, Section 3 of the
29 Constitution & By-Laws be amended to read as
30 follows, replacing the existing Section in its entirety:

31 “Section 3. Disqualification and Replacement of
32 Members of a Trial Board

33 No individual submitted for selection to serve on
34 a Trial Board convened pursuant to this Article
35 shall be directly or indirectly involved as a party,
36 witness, or otherwise in the conduct giving rise to
37 the charges. Any individual so involved shall be
38 disqualified from serving on the Trial Board.

39 If a selected member is disqualified or unable or
40 unwilling to serve, the Appointing Officer shall
41 obtain three (3) additional names from the
42 General Secretary-Treasurer’s Office and provide
43 them to the charging party. The charging party
44 shall strike one (1) name within seven (7) days,
45 thereafter the remaining two (2) names shall be
46 submitted to the charged party, who shall strike
47 one (1) name within seven (7) days. The
48 remaining individual shall serve as the substitute
49 member of the Trial Board.

50 If a party fails to act within the required time, the
51 Appointing Officer shall designate the substitute
52 member. This procedure shall also apply
53 whenever a member selected to serve on a Trial
54 Board becomes unable or unwilling to serve after
55 selection.

56 The General Secretary-Treasurer's Office shall
57 maintain a pool of members in good standing
58 eligible to serve on Trial Boards to be used only if
59 the procedures set forth in this Section fail to
60 produce a Trial Board able and willing to serve
61 (the "Supplemental Trial Board Pool").
62 Members of the Supplemental Trial Board Pool
63 shall be nominated by District Vice Presidents,
64 approved by the General President, and
65 maintained by the General Secretary-Treasurer's
66 Office.
67 If, within seven (7) days following completion of
68 the second strike process, the procedures set forth
69 in this Section have not produced a Trial Board
70 able and willing to serve, the Appointing Officer
71 shall request a randomly generated list from the
72 Supplemental Trial Board Pool and shall
73 designate the necessary member or members from
74 that list to complete the Trial Board."

Submitted by: IAFF Executive Board

Cost Estimate: **None**

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

COMMITTEE RECOMMENDATION:

CONVENTION ACTION: