

USW Internal Discipline Procedures

Article XII of the USW Constitution and Article IX of the standard By-Laws for Local Unions provide for what type of actions may be subject to discipline and the type of penalties that may be imposed. Of note is that charges filed under Section 1 (e) and (g) may not be processed in the United States.

Article XIII of the USW Constitution and Article X of the Standard By-Laws for provide for the method of processing of Internal Discipline Cases. The most detailed provisions are contained in the standard By-Laws for Local Unions.

SUMMARY OF THE PROCEDURE

- a) Any charges against a member or Officer must be made in writing, signed by the member making the charge, and must be submitted to the Local Union (usually the Recording Secretary).
- b) Upon receipt of the charges the Recording Secretary must send a copy of the charges by certified or registered mail to the accused member.

- c) Charges must be sufficiently specific so as to enable the accused to prepare a defense.
- d) Charges must be submitted within sixty (60) days of when the complainant becomes aware of the alleged offense.
- e) The Local Union must elect or appoint a Trial Committee of three (3) or five (5) members to conduct the hearing. The Committee is to be chosen at the first meeting after the charges are received, unless they are received within five (5) days of the meeting, in which case it is done at the following meeting.
- f) The Recording Secretary must send a copy of the charges and the time date and place of the hearing to the accused, the accuser the International Secretary-Treasurer.
- g) The hearing must take place no less than two (2) weeks and no later than four (4) weeks after the mailing.

- h) The Trial Committee must submit their report to the Local within two weeks, and this report must also be mailed to the International Secretary-Treasurer.

- i) The Local Union must post that the Trial Committee Report is to be considered at the following meeting, whether it be the regular meeting or a special meeting just for that purpose.

- j) The membership may approve, reject or modify the report, or order a new trial. The membership's decision must be sent immediately to the accused and the accuser by certified or registered mail. A copy must also be sent to the International Secretary-Treasurer.

- k) If a timely appeal is received the International President shall appoint a Commission to hear the case again. The Commission shall contact all interested parties about the time, date and place of the hearing.

- l) The International Commission shall forward its findings and recommendations to the Appeal Panel of the International Executive

Board. This Panel meets quarterly to hear all Commission Reports and Recommendations during that period. All interested parties may attend and/or present evidence to the Panel. When the Appeal Panel renders a decision it has full force and effect as if issued by the Executive Board as a whole.

m) The International Executive Board shall review the Appeal Panel Report.

n) Either party may appeal the decision of the International Executive Board to the next International Convention.

NEW CONSTITUTIONAL LANGUAGE

Article XII, Section 2 provides that "It is an offense under this Constitution to harass a member at a union or workplace-related location or activity on the basis of race, creed, color, sex, sexual orientation, age, disability, nationality, or other legally protected status.

Article XIII, Section 7 provides that "At any time during the processing of charges alleging a serious violation by a Local Union official of Section 2 of Article XII, the International President

may, upon written request (sent by certified mail, overnight courier or other means providing proof of receipt), and where supported by preliminary investigation conducted on behalf of the International President, summarily remove such Local Union official from office during all or a portion of the time necessary to process the charge.