

Charge or appeal?



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As members of the NALC, we should all appreciate the democratic process of our union. For those who were at our recent national convention in Boston, you got to experience it firsthand. As I stated in my June article, everything we do is spelled out in our *NALC Constitution*. It is our road map; it keeps us focused and on the right path. Like our local bylaws, it was created and amended by the members. So, the how, what and when of our union derives from the membership. Most importantly, and we witness this at every convention, it provides us with directions on how to handle

internal disputes with other members, even if our disagreements are with those whom we elect to lead us.

In this column, I thought it would be productive to discuss the recourse members have per the *NALC Constitution* when we disagree with a decision made by our union, or with actions taken by our elected leadership. Over the past year we have seen an increase in charges filed, per Article 10, within our union. Some of those charges, because they involved national officers, were addressed in Executive Council meetings. Many of them did not require an initial investigation because they were not properly before us. Literally, they were not “chargeable” offenses. The *Constitution* is clear about those instances in which charges can be proffered. It also offers instructions on how to appeal decisions that we do not agree with, based on the *Constitution* and/or local bylaws.

First, let’s look at Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. This is the constitution that guides branch activities. Likewise, there are the national and state constitutions, which have similar provisions. In relevant part, the *CGSFB* states the following:

Any member of the Branch who shall violate the *constitution* or *By-Laws of the Association* or Branch may have charges proffered against them, and if such charges are proved shall be fined, reprimanded, suspended or expelled as the laws may direct or the Branch determine. Any officer of the Branch who shall fail or neglect to discharge the duties of their office, or who

may be guilty of gross misconduct, may be removed from office. These determinations shall be made by the members present and voting at the next regular Branch meeting after which said charges were read to the Branch. The vote regarding any of the above matters may be continued once, by motion, to the following regular Branch meeting.

Notice I highlighted in bold the actions of members or officers, which are the grounds for “bringing someone up” on charges. The *Constitution* is specific about the constitutional violation, the failure or neglect of duties, or the gross misconduct, which are required for Article 10 charges. The *Constitution* also provides an avenue to appeal or express dissatisfaction with a decision made by the branch, the president or other officer of a branch. Now, let’s look at Article 11 of the *CGSFB*. It reads, in relevant part:

Section 1. An appeal may be taken to the President from the decision of any officers of the Branch and to the Branch from **any decisions of the President**, which appeal must be taken at the meeting at which the subject appealed from is under consideration, and before any other business is taken up for action; **and any member considering that an injustice has been done them by a decision of the Branch,** may appeal in writing to the Committee on Appeals of the National Association.

Section 2 of Article 11 gives us step-by-step instructions on how such appeals are to be made. It also details the options an aggrieved member has prior to the appeal reaching the convention floor, if one is not satisfied with the decision of the branch or the National Committee on Appeals. Again, I highlighted the key component of the grounds for an appeal by “any member considering an injustice has been done them” by a decision made by an officer, president or branch. Most of us are familiar with appeals because they are generally used when there are conflicts with the election of officers. That process, which follows a similar path, is conveyed in the booklet *NALC Regulations Governing Branch Election Procedures* (the green book).

Hopefully, this will be helpful for members who are considering voicing their concerns when there is a perceived injustice or a violation of the *Constitution*. Articles 10 and 11 of the *CGSFB* provide the formal ways that disputes can be handled within a branch per the *Constitution*, but there also are the informal ways to handle a dispute. A member can simply contact local, regional or national leadership to seek resolution without appealing or filing charges. More often than not, that will work, too!